

Summary of and response to the consultation on the draft National Policy Statement for ports

Introduction

The Government wants a planning system for major infrastructure which is rapid, predictable and accountable. Planning decisions should be taken within a clear policy framework, making these decisions as transparent and predictable as possible. The ports National Policy Statement (NPS) will provide the framework for future decisions on individual applications for development consent. It will clearly set out Government's policy in so far as it relates to planning applications for major port infrastructure and will give investors the certainty they need to bring forward proposals to maintain port capacity.

Between 9 November 2009 and 15 January 2010, the then Government consulted on the draft Ports NPS. This document sets out the key themes which arose from the consultation and the Government's response to those themes.

162 responses were received to the consultation. These came from a wide range of respondents including port authorities and other companies involved in the port industry, Non-governmental Organisations (NGOs), environmental bodies and local authorities.

During the consultation period, three national events were held in Cardiff, Leeds and London. These events were attended by stakeholders with an interest in port infrastructure. It was also a chance for Local Authorities to put their comments forward. Points raised at these events have been considered alongside written consultation responses received.

While all responses (both formal written responses and those received at the stakeholder engagement events) have been considered, this document does not attempt to set out in minute detail the Government's response to every point raised in response to the consultation. Instead, it concentrates on the key themes that arose most frequently from the consultation and explains how they have been taken into account in shaping the revised NPS and associated documents, or in some cases why we disagree with comments made.

Next steps

Having considered the responses to the consultation and the results of the initial Parliamentary scrutiny process, the Government has laid the ports NPS before Parliament for approval. Subject to that approval process, the Secretary of State intends to designate the NPS.

In line with the Planning Act 2008, the draft ports NPS was drafted on the basis that once designated the Infrastructure Planning Commission (IPC) will be the decision making body. However, following the election in May 2010, the Government announced that it will abolish the IPC and replace it with a Major Infrastructure Planning Unit (MIPU) based in the Planning Inspectorate. Examination of applications will be carried out by the new MIPU, which will make recommendations to Ministers, who will take the final decisions on

applications. Both MIPU and Ministers must follow the policy framework provided in NPSs, subject to exceptions set out in the Planning Act 2008.

Format of the Response

This Response is organised into sections following the numbering of the consultation questions. We set out the questions asked, a summary of the key themes identified in the responses, and a summary of the Government's response to these.

Occasionally, where it is appropriate to do so, responses are treated under a different question from the one under which they were made.

The consultation responses

Q1: Do you think the draft ports NPS provides suitable guidance to decision-makers on the question of what need there is for new port infrastructure?

The majority of the respondents thought that the guidance in the NPS suitably answered the question of what need there is for new port infrastructure. They agreed with the continuing Government policy expressed in the NPS of a market-led approach to port development and also that the NPS recognised the need for additional capacity to allow ports to operate at maximum competitive efficiency.

The majority backed the findings of the MDS forecasts and the view in the draft NPS (para 1.11.4) that the 2030 levels of demand predicted will still be reached, but later.

A minority of respondents did not think the NPS guidance suitable on the question of need, for various reasons. Some considered that the demand forecasts in the NPS were too optimistic and that a review of the predicted growth (and need) was required to reflect the economic situation post-recession. Of the negative responses to this question, the majority were from the Environmental NGO category. Need was thought not to be identified clearly enough, with insufficient emphasis upon potential existing capacity within the ports.

We conclude in the light of these responses that the NPS, as amended, does provide suitable guidance.

Q2: Do you think the draft ports NPS provides suitable guidance to decision-makers on considerations relating to inland connections for new port infrastructure and the appropriate modal share of traffic?

In response to Q2 a large number thought that the guidance given relating to inland connections for new port infrastructure was suitable and that it highlighted well the importance of an objective Transport Assessment as part of the process.

However, most of those that responded to the question said that the draft could be improved so as better to help the applicants and the decision makers.

Most respondents strongly agreed that ports were best placed to take commercial decisions on form, timing and location of new infrastructure; but some considered that, as major developments need to be integrated with road and rail network development, it would have been appropriate for the NPS to refer to the strategic corridors identified in DaSTS (Delivering a Sustainable Transport System). Several commented that DaSTS was better covered in the accompanying consultation document than it was in the draft NPS.

The present Government's view in response to this viewpoint is that it would not now be appropriate to refer to DaSTS, which set out its predecessor's

strategic priorities. Ports applications will be considered in the light of (*inter alia*) policies on transport assessment as set out in the NPS.

Some thought that the treatment of inland access was concentrated on the area immediately around the ports and that it should be broadened to reflect the wider national road & rail network and inland waterways network connections.

Some respondents commented on the lack of acknowledgement of the needs of the road haulage community with respect to lorry parking. They said that the NPS should instruct the applicant to have sufficient provision for secure lorry parking (either on the port estate or at dedicated facilities elsewhere) to avoid the need for inappropriate parking on public roads. Developments should be designed with sufficient road capacity and parking provision (whether on- or off-site) to avoid the need for prolonged queuing on approach roads, allowing realistic estimates for current and future peak traffic patterns and fluctuations.

The lack of publication of the National Networks Draft NPS was seen as a weak point and many commented on the need to fully integrate the two to ensure that the Government's sustainable transport objectives were delivered.

This view was also broadly expressed in the Transport Select Committee's report of its NPS scrutiny, and the Government has set out its response on this point in responding to the Committee.

The references in the NPS encouraging rail and inland waterway use were welcomed and it was said that this reinforced the message of other Government planning and transport policies.

Q3: Do you think the draft ports NPS provides suitable guidance to decision-makers on the economic impacts of port infrastructure?

A small majority of respondents thought that the NPS did not provide suitable guidance to decision makers on the economic impacts of port infrastructure. Some thought that the importance of ports and their role in local and regional economies was not highlighted enough and that the NPS viewed the economy in a narrow and commercial sense, not embracing the wider societal benefits that could be achieved from major port development. A few said that there was not enough emphasis on the positive economic impact on associated businesses serving the ships and the port nor the added value of port clusters and hub ports.

Some environmental NGOs had concerns about the priority given to economic impacts over environmental and social impacts in the NPS and several respondents (from all categories) called for weighting to be given to the economic, social and environmental benefits/adverse impacts in order to help the decision-maker.

Our view is that the NPS, as amended, indicates appropriate weightings where this can sensibly be done outside the context of application specifics, and that fully appropriate weighting is given to environmental as well as economic and social impacts.

Q4: It is a requirement of the Planning Act that an NPS must include an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change. Do you think the draft ports NPS adequately fulfils this requirement?

The majority of those who responded to this question thought that the consideration of climate change mitigation and adaptation could be strengthened in the NPS.

Natural England suggested that, while the environmental objectives were set out in section 1.10, they were not followed through into the Government's assessment of need in sections 1.11 and 1.12, which focus solely on the economic objectives for new ports development.

Environmental issues were (in NE's view) addressed in the draft only as impacts to be assessed at project level. There should be more explicit recognition of the environment, including climate change considerations, in the Policy on Planning for Ports section of the NPS with greater emphasis on how the NPS will assist delivery of the Government's sustainable development objectives. The NPS should, it was suggested, be amended to reflect Government policy to promote sustainable economic growth within environmental limits, in line with the UK Sustainable Development Strategy.

We are confident that the final NPS does fulfil this requirement of the Planning Act.

Q5: Do you think the draft ports NPS provides suitable guidance to decision-makers on the extent to which coastal and inland shipping should be considered?

The most common response to this question was that more emphasis was needed on the extent to which coastal and inland shipping should be considered. Some went as far as to say that there was very little guidance on coastal and inland shipping with no suggestion as to what the Government strategy on this was.

Almost all respondents thought that more could be said in the draft NPS to encourage port applicants to consider coastal and inland shipping – playing an important role in the movement of goods but also in minimising greenhouse gases.

One respondent said that the principle of encouraging the use of rail, coastal and inland shipping for distribution and collection of goods purposes was well made, but that the means of achieving this was not clarified for decision-makers. With some locations being better placed than others to achieve such a shift in modal share they thought it would be beneficial for the draft NPS to identify these locations and their characteristics. Where the construction of new rail or shipping links would be desirable should also be suggested.

Our view is that, for reasons explained in the NPS, it would not be appropriate to specify locations in this way. Applicants can and will take

account of the geographical attributes of their proposed sites in relation to these and other material factors. However, the emphasis on coastal shipping has been increased in the final NPS.

Q6: Do you think the draft ports NPS provides suitable guidance to decision-makers on the safety, security and health impacts of port infrastructure?

Of the 35 responses to this question the majority broadly or strongly agreed that the guidance was suitable, while two considered that these issues were already adequately addressed by other legislation and guidance and that the NPS did not need to concern itself with them.

Those that were more neutral or negative still acknowledged the existence of guidance on safety, security and health impacts but thought that more information was required.

Of the additional points mentioned the most common were:

- while Section 2.5 identified possible impacts, it did not go on (as is the case with others) to set out how the applicant should go about the assessment, provide guidance to the decision maker, or address how impacts might be mitigated;
- it was unclear when reference was made to "cumulative impact on health" whether there was a further requirement for a health impact assessment;
- the draft NPS did not adequately acknowledge the role of other agencies including harbour authorities, other port operators and port health authorities in relation to safety, health and security implications of port development and operation. Early involvement of Port Health Authorities (PHAs) in local development planning stages would be important to ensure that wherever necessary, appropriate mitigation measures were specified in a development consent order;
- ports were operational areas which inevitably posed some safety risks and this needed to be recognised when considering public access issues (e.g. in relation to public rights of way and coastal access issues);
- reference to existing legislation would be useful for both the applicant and the decision-maker. This included: the Aviation and Maritime Security Act (AMSA) 1990, the International Labour Organization (ILO) Maritime Labour Convention, 2006 and the Countryside and Rights of Way (CRoW) Act 2000.

With regards to safety, security and health impacts, some freight transport respondents commented on the NPS's lack of requirement on the applicant to provide adequate secure parking for lorry drivers as well as provision of appropriate and designated facilities to enable drivers of vehicles passing through the facility to take their statutory break and rest in secure surroundings.

Having considered all these comments, the Government's view is that the final NPS deals appropriately with these factors to the extent that is appropriate for planning purposes.

Q7: Do you think the draft ports NPS provides suitable guidance to decision-makers on the need to promote equal access to the jobs, services and social networks created by port infrastructure?
and

Q8: Do you think the draft ports NPS provides suitable guidance to decision-makers on the impacts of port infrastructure on the local population?

Respondents were broadly undecided over the suitability of the guidance to decision-makers on promoting equal access to jobs, services and social networks.

Port operators in general thought either that the guidance was suitable or that it wasn't the role of the NPS to be used as a tool to implement social objectives which were better dealt with elsewhere.

A few local authorities called for the NPS to implement more stringent guidance on the impacts of port infrastructure on the local population. They thought that there was too little guidance to assist decision makers in deciding the relative importance of this issue.

Comments were made that the document contained little mention of the Regional Spatial Strategy, local plan or Local Development Framework, and that some of these issues (local social impacts of ports) would have been considered and dealt with within these plans. The RSS and LDF would give background information on the locality and sub-Region and should, these consultees thought, have been explicitly referenced. [The Government intends to revoke the requirement for RSS because of the need to streamline the planning framework as a whole.] Overall, we are satisfied that the NPS in conjunction with the Planning Act framework for consideration of local impacts, and the promotion of port Master Plans, addresses this issue.

One respondent called for the NPS to consider the social wellbeing of seafarers and to incorporate into the document guidelines from ILO Maritime Labour Convention, 2006 regarding access to shore-based welfare facilities. This suggestion has not been accepted, as it is not a matter sufficiently relevant to development.

The Disabled Persons' Transport Advisory Committee (DPTAC) was concerned that the Draft Policy Statement paid little attention to disability access issues and therefore may (albeit unintentionally) have created an environment which excluded disabled people from certain opportunities. We consider, however, that access for disabled people (for example, to ferry and cruise terminals) is sufficiently addressed by other means including regulations.

The NPS stated that where substantial employment is created, and there is likely to be substantial in-migration to the area, there would be a need to consider the effect on demand for local public services. The NPS should

have considered developer funding of any additional provision deemed necessary. This is addressed in the NPS at para 4.3.4.

A joint response from Local Government Association (LGA), the Planning Officers' Society (POS) and the Association of Directors of Environment, Economic, Planning and Transport (ADEPT) strongly considered that the NPS was lacking in its guidance regarding social impacts and said that,

'We do not feel that these issues are adequately addressed in the consultation document, which simply advises that in principle, ports development should "enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged." Further discussion and examples of how these should be taken into consideration should be required'.

Another comment from the joint response expressed how in the past ports generally served a relatively local area, such that the local population were more inclined to take any perceived downside of the operations of the port as a necessary part of realising the local benefits. With the increase in trade and the development of ports with a national hinterland, the local acceptance of the dis-benefits had, it argued, often decreased markedly. Regulation had tended to exacerbate the problem, with once-open piers and quaysides becoming restricted from public access, and high levels of night-time lighting required. There was also much more public awareness of air pollution from shipping and transport operations.

Much of this possible nuisance is already extensively covered by pollution control mechanisms and the NPS encourages developers to seek early consultation with the relevant regulators.

Q9: Do you think the draft ports NPS provides suitable guidance to decision-makers on the impacts of port infrastructure on the natural environment?

Responses to this question, not surprisingly, differed greatly depending on the category of the respondent. Of the Environmental NGOs that replied, all except one thought that the NPS did not provide suitable guidance and that the text relating to specific environmental impacts could be strengthened in places. In contrast, nearly all the Port Operators thought that the guidance was adequate — for instance, one stated that:

"too often environmental factors are seen as outweighing factors, the decision-makers must consider the economic, social and resource impacts too."

Common comments/suggestions made by all categories were as follows:

- Desire for more references to existing frameworks and policies such as: Paragraph 2.18.1, reference should have been made to Minerals & Waste Development Frameworks (MWDF) and Local Development Frameworks (LDF). Paragraph 2.18.5 made no reference to Site Waste Management Plans (SWMP) regulations.

Paragraph 2.23 as a whole should have referred in more detail to Local Development Documents (LDDs), not just in 2.23.11.

- Section 2.15 on flood risk was broadly consistent with PPS25 but it would benefit from a specific reference to this particular Planning Policy Statement. (PPS 25 is referenced in the final NPS, para 5.2.6.)
- With regards to noise (paragraph 2.22.13): Decision-makers should also be satisfied that any proposals will avoid significant adverse noise impacts upon wildlife. (This is now referenced at 5.10.2.)
- The section that dealt with impacts on the natural environment focused too much on assessment and mitigation of these impacts rather than trying to avoid the impacts happening in the first place.
- Although the list of impacts was extensive it remained unclear what weight was to be applied to many of them.

We believe that overall the final version of the NPS provides suitable guidance while avoiding making too many external references that are not necessarily pertinent to development applications. General weightings have been indicated where this seemed appropriate, but the diversity of ports and their development often makes it difficult to generalise.

Q10: Do you think the draft ports NPS provides suitable guidance to decision-makers on the impacts of port infrastructure on biodiversity?

The majority of respondents considered that the NPS provided suitable guidance on the impacts of port infrastructure on biodiversity and that it thoroughly summarised the issues.

British Ports Association thought that:

‘The advice on biodiversity is comprehensive and a useful summary of policy and legislation to guide both promoters and decision makers. This is a technically sophisticated area where ports are bound to need specialist advice on their impacts. It also raises the issue of the applicability of this extensive advice to "below the threshold" projects to be dealt with by the MMO and which could involve much smaller developments.

Those in favour were pleased to see the NPS referring to the requirements for Environmental Impact Assessments where appropriate.

The extant government policy on biodiversity and geological conservation set out in PPS9 had been incorporated into the NPS. Also welcomed was the reference to Government Circular ODPM 06/2005 which sets out statutory obligations.

Respondents who thought that the NPS was lacking in guidance for decision-makers on biodiversity made the following comments among others.

RSPB noted a failure to include reference to the key impact of direct habitat loss and specifically to saltmarsh, mudflats, sub-tidal habitats and

sandbanks and reefs. These impacts cannot be mitigated and in this context RSPB believed that the NPS failed to mention the most obvious counter-measure: avoidance.

The scientific significance of habitats for their biodiversity can differ from their social significance for local residents. An adverse effect on a site internationally significant for biodiversity could be offset by compensatory habitat creation anywhere in the world but this would not compensate for the loss of a local educational/recreational resource. Both aspects needed to be considered.

These points are noted but we conclude that the guidance on biodiversity impacts is appropriate overall, accepting that there will always be the possibility of detailed issues arising in specific cases that are not explicitly anticipated.

Q11: Do you think the draft ports NPS provides suitable guidance to decision-makers on the impacts of port infrastructure on the historic environment?

A large majority thought that the NPS guidance on the impacts on the historic environment was adequate and appropriate, with the general view of it being largely a pulling together of advice (with which the industry is reasonably familiar) from current sources. Respondents said it appeared to be consistent with the advice provided elsewhere on the assessment of effects of development of the heritage of historic resources.

The joint response from LGA, POS and ADEPT thought that the draft made a valid point that "the decision-maker should not accept applications for consent where the extent of the impact of the proposed development on the significance of any heritage assets affected cannot be understood from the application and supporting documents".

UKMPG thought that the guidance could have usefully distinguished between what is a legal requirement and what is not, i.e. where there may be a greater degree of discretion available to developer and decision-taker.

A few suggested that reference should have been made to the role of English Heritage and how the responsibility for assessing the significance of non-designated monuments lies with them or a similar body.

East Sussex County Council commented that:

‘the section on Cultural Heritage and the Historic Environment provides excellent guidance both for assessment and for decision makers. It covers all the key issues of assessment and evaluation, use of Historic Environment Records HERs¹, consultation with experts including County Archaeological Officers and the need to consider archaeological potential ... The draft could have done more to acknowledge that an understanding of the history and

¹ Historic Environment Records (HERs) are information services maintained by local authorities and National Park Authorities with a view to providing access to resources relating to the historic environment of an area for public benefit and use.

archaeology of ports in England could help to inform future development and that it is not just a case, as set out in Section 42 of the consultation document, of ensuring heritage assets are looked after. The history and archaeology of all our coastal ports tells an important story of the complex interplay of coastal change ...and this knowledge can be used to consider how to design future ports as well as ensuring that the significant heritage assets are understood, protected and enhanced’.

Of the changes suggested by those respondents who thought the draft inadequate with regard to impacts on historic environment the most common are as follows:

- Rather than concentrating on establishing the significance of previously known assets the draft should have emphasised the importance of finding out whether there are any previously unknown assets present.
- The statement should have referred to the many buildings and structures, often of national importance, which form part of the history of the port and contribute significantly to the character of the port and the wider historic landscape and that they should be retained and protected.
- English Heritage considered that whilst section 2.24 of the NPS acknowledged the importance of considering the historic environment in decision making, there was a lack of understanding of why it needs to be properly protected, and of its contribution to modern life.

Overall we conclude that historic environment impacts are dealt with appropriately in the final NPS.

Q12: Do you think the draft ports NPS provides suitable guidance to decision-makers on the key considerations to inform the assessment of future port development applications?

The majority of those who responded to this question did not feel that it provided suitable guidance on key considerations to inform the assessment of future port development applications.

One of the most common points related to the weighting of impacts. No-one denied the list of impacts was not extensive but many thought that the NPS needed to specify more definitely which factors were most important to the application process. This would clear up confusion as to how the IPC and MMO will be expected to weigh up the various impacts mentioned.

Many respondents commented on the lack of referencing to DaSTS and how the strategic national corridors highlighted there would help inform the decision-maker.

Some said that the NPS should have acknowledged more strongly its role in influencing or supporting the content of regional and sub-regional strategies, rather than simply providing advice to scheme promoters and decision-makers. The NPS, they thought, should have provided a robust and positive

framework for future strategy development, at a regional (Single Regional Strategies) and at a sub-regional level (Local Development Frameworks and Local Transport Plans).

A comment from a local authority mentioned that the NPS did not indicate how Local Impact Reports would be taken into account, or how much weight would be attached to the consideration of them.

Several noted the lack of any reference to port master plans. This is deliberate, in view of their lack of statutory status within the planning system. Nevertheless, it remains DfT policy to encourage the consultation on and production of port master plans, and we are pleased that many ports are doing so.

Q13: Do you think the draft ports NPS gives appropriate guidance to decision-makers on how they should consider alternatives when it comes to particular projects?

Those who responded to this question were almost equally divided. Those fully in agreement thought that the guidance was in depth, appropriate and useful. The Environment Agency welcomed references to the need to consider alternatives as part of the environmental statement (ES), and under the Habitats Directive and the Water Framework Directive.

There were some who thought that the guidance was appropriate but that there were areas in which the draft could improve. Comments included:

- A clear presentation of the discussion of considering alternatives.
- A clearer explanation as what the NPS meant by there being "no requirement under the Planning Act 2008 to establish whether the proposed project represents the 'best' option" and also clarification of the circumstances in which consideration should be given to alternatives open to the developer, and when alternative projects being promoted by other parties should be taken into account.
- One trade association acknowledged it was a requirement to consider alternative sites under habitats legislation, but at the same time they thought that the application process would be greatly facilitated if the focus was on a single proposal brought forward by the developer.
- Another had concerns over the role of the IPC with regards to the consideration of alternatives and asked for clarification on the precise role of the decision-maker. This association was concerned about the apparent responsibility of the IPC to take a decision on "whether the project could be on a better scale, or design, laid out, constructed or operated in a better way, or located on a better site or route". They thought this suggested a level of speculation on port projects which went beyond assessment of a proposal simply on its merits.

Of those who thought that the guidance was not appropriate, the RSPB were strong in their opinion that the documents risked a breach of the Habitats Regulations and Habitats Directive. Instead of asking what alternatives existed to deliver additional capacity, the RSPB criticised the draft NPS for not asking specifically enough what alternatives there were to new development.

The RSPB believed that other alternatives should be emphasised, for example improved productivity at one or more existing sites.

There were calls for more detail on how 'competing' development should be assessed relative to each other and also of potential accumulated impacts of multiple applications (spatial, economic, environmental and transport).

Alternatives are dealt with extensively in the NPS at 4.9. It is clear that the 'alternatives' test specified by the habitats Directive may be engaged in individual applications. On competing development, it is noted at 4.4 that the decision maker may need to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators.

Q14: Do you think the draft ports NPS gives appropriate guidance on how the cumulative and in-combination/synergistic impacts of port development should be considered by decision-makers?

A large majority of respondents unreservedly thought the guidance on cumulative and in-combination/synergistic impacts was appropriate. Respondents welcomed the burden being on the applicant to provide evidence of the cumulative impacts.

One response said that this section appeared to be one of the strongest in terms of policy guidance.

Some agreed in principle to the guidance but thought that it could be strengthened by taking account of the benefits of the proposal as well as any negative effects.

Others suggested the guidance was sufficient, seeing that the synergistic impacts of port developments were difficult to establish, and vary depending on individual circumstances.

Proposals of ways to improve the guidance included making it clear that associated development and other known proposed development in the vicinity should be included when considering the impacts and cumulative impacts of a proposed development. Also, it was argued, the draft did not make clear when a combination of small non-IPC proposals and/or associated development combined cumulatively to create a nationally significant infrastructure project.

This, should it arise, will be a matter for the IPC or its successor to assess.

An environmental NGO highlighted two ways to reduce cumulative impacts and suggested that these should be included in the NPS. These were master plans and the carrying out of a strategic spatial assessment in respect of the UK's major ports. Lack of such an assessment according to the respondent hindered the NPS's ability to provide appropriate guidance to the IPC and MMO on these matters.

As noted above, DfT continues to encourage port master plans but it was concluded that guidance on this should not be incorporated into the NPS. The Appraisal of Sustainability (AoS) assesses the broad policy of preferring a market-led to a central planning approach.

One port operator thought that the NPS did not adequately deal with positive cumulative economic impacts, for example, with respect to supply chains or port-related logistics.

We believe that the NPS deals with cumulative impacts, both positive and negative, as far as is appropriate.

Q15: To what extent do you think the draft ports NPS as a whole provides suitable guidance to decision-makers to help them make decisions about development consent applications for new port applications? Please consider this in relation to both potential decision-makers:

a) The IPC for port applications over the nationally significant infrastructure project (NSIP) threshold; and

b) The future Marine Management Organisation for port applications under the NSIP threshold.

The majority of respondents didn't appear to give a firm response either way to this admittedly broad question. Most gave points for and against the idea of the NPS being suitable guidance to decision-makers.

The view of many, particularly from the industry, was that, subject to suggestions made in the consultation responses, the guidance set out in the draft NPS was generally well suited for decisions to be taken by the IPC. The main point of concern was the issue of balancing local environmental, social and economic concerns and which impacts the IPC would have to consider as having more importance (if any). Also some expressed concerns over whether the guidance could be suitable for either the IPC or the MMO without the National Networks NPS published for reference too.

For the MMO there was concern whether the NPS gave enough guidance to allow them to make decisions on smaller developments below the NSIP thresholds. It was thought by many that the NPS had been prepared with too much emphasis upon applications going before the IPC. One suggested that a discussion in the NPS introduction of the NSIP thresholds and the responsibilities of the IPC and MMO as decision-makers would be appreciated. Also, were there going to be any other decision-makers and what role does the NPS have for these, e.g. Local Planning Authorities?

General consensus was that the great majority of schemes, (particularly in early years while larger schemes which already have planning permission are developed) would in practice go to the MMO for decision. One concern was that, as the MMO's case load will extend much wider than planning work, they would be unlikely to build up individual experience on planning cases as quickly as the IPC. With that in mind some did not consider that at present the guidance was well directed at the MMO who may well require more detailed guidance on how to handle port development applications particularly in areas where the decision taker has some discretion or where the decision taker is asked to consider possible mitigation measures. Also, many were surprised to see that the NPS '*may be a relevant consideration for the Marine Management Organisation*'. Respondents thought that this could introduce the

possibility that the MMO may decide in certain circumstances not to take the NPS into account, or to apply a different set of considerations or weightings to its decision.

Many said that the MMO should be required to make decisions in accordance with the NPS or, at the very least, that there should be a strong presumption that it will do so and, should it deviate from the NPS, it should be required to explain its reasons.

It was thought by most that further guidance was needed to help the MMO make decisions on smaller ports developments. One said there didn't appear to be any differentiation of guidance in the NPS dependent on the scale of ports developments.

A few commented that there was a need to clarify references to integration between different consenting bodies and administrations. A number of cases would span administrative and jurisdictional boundaries and consenting regimes, and consenting arrangements needed to be clarified at an early stage to ensure an efficient planning and consenting process.

The IPC itself commented on the draft and said that:

'the draft NPS confuses the roles of the IPC and the applicant in places. Throughout section 2 the NPS appears to be directing the IPC to carry out an assessment using particular methodologies or approaches. Conducting assessments in this way is the responsibility of the applicant. The IPC will examine all evidence presented to it in the manner set out in the Planning Act, including considering whether applications are consistent with the NPS.'

We have endeavoured to correct such confusions in the final version of the NPS. The Planning Act conveys Parliament's decision that NPSs should have special force for major infrastructure projects as distinct from those below threshold that are not referred to the IPC or its successor. It would not have been appropriate for the NPS to attempt to reverse this.

Part 2 of the draft NPS set out guidance on the assessment of individual applications, and went through a range of impacts in turn. The consultation document asked the respondents to consider the following questions:

Q16: Do you think the draft ports NPS considers all of the significant potential impacts of port development? If not, what do you think is missing and why?

The majority of responses stated that the main impacts had been identified but some also called for a list/prioritisation of these impacts to aid both the applicant and the decision-maker.

Some thought that the economic considerations should have been more fully described, including the direct, indirect, induced and catalytic benefits. It was suggested that the draft NPS underplayed the significant regenerative effects that port developments can have on local economies. While this was recognised in paragraph 1.10.2, it did not (they thought) appear to have been

carried through strongly in regarding port development as a catalyst or benign force to encourage further business activity.

A key consideration missed (suggested by many) was whether the proposed developments were covered by the strategic national corridors identified in Delivering a Sustainable Transport System (DaSTS). Also the relationship with other development plans was not expressed in the NPS.

An area of the NPS that was thought to be lacking by a few respondents was that which dealt with multi-applications: where a port development was linked to one or more other developments requiring approval, for instance an associated road or rail scheme or a renewable energy scheme directly connected to a harbour development. The draft NPSs were not, these respondents thought, well structured to deal with multi-applications of this sort.

According to one response the NPS concentrated closely on development requiring planning consent but said little about the permitted development in existing ports — the latter might actually be more significant than the former in terms of impact.

One respondent thought that when considering impacts of port development on biodiversity and coastal processes, the NPS tended to focus on dredging operations and failed to recognise the potential impacts of other marine works such as reclamation and quay wall/breakwater construction.

The final NPS stresses the essential role of ports in the UK economy at 3.1, sets out a general overview of economic impacts at 4.3, and discusses assessment and decision-making in relation to socio-economic impacts at 5.14.

The NPS explains that non-ports associated development should be considered on a case-by-case basis, using appropriate assessment methods consistent with the ports (or other relevant) NPS and with applicable official guidance.

Q17: It is a requirement of the Planning Act that a NPS must give reasons for the policy set out in the statement. Do you think the draft ports NPS fulfils this requirement?

A large majority thought that the draft NPS fulfilled the requirement of the Planning Act to give reasons for the policy and that it reinstated the policy set out as a review of the Ports Policy Review 2007.

Of those that didn't agree, some argued that as they considered there to be deficiencies in the policy, the reasons for the policy itself must be deficient. They thought that there was scope to develop the reasoning further.

We are reassured, by the balance of these comments, in our view that the reasons for the policy are sufficiently described in the final NPS.

Q18: It is a requirement of the Planning Act that the Secretary of State must have regard to the desirability of achieving good

design. Do you think that the draft ports NPS fulfils this requirement?

Again a large majority thought that the requirement to have regard to the desirability of achieving good design was fulfilled.

Some did consider that NPS would benefit from a separate section on design.

Others said that there was relatively little guidance in the draft NPS about design, but that this approach was right because the design of port infrastructure and associated operational equipment (e.g. cranes) had to be functional and there was relatively little scope for purely design factors to be taken into account.

DPTAC believed that the NPS should have included a requirement to consider the provision of access for disabled people. Specific references should have been made to the importance of inclusive design.

Some thought that the document would have benefited from providing significant examples of good / bad design practice with regard to layout and mitigating impacts where the adjacent environment is a major consideration.

Those that did not feel that the NPS fulfilled the requirement thought that it was lacking in content and needed more detail with regards to good design. Inclusion of Master Plans in the NPS would help and be central to the assessment.

Some were concerned that the criteria limited design to functionality and environment. They would have liked to have seen a broader definition of design that included spatial quality.

One said that the draft NPS appeared to be relatively weak in considering the possibility of design reviews for new buildings as well as the proposed engineering solutions for physical infrastructure associated with such port development. They thought that further guidance associated with likely townscape impact and assessment would have been helpful, particularly given the size of many port related proposals.

Ultimately there is a subjective element in determining what good design is in particular instances. The importance of good design is stressed at 4.10 and elsewhere in the NPS, and we believe that the requirement the Act is met.

Q19: To what extent do you think the methodology used to assess the sustainability of the draft ports NPS is appropriate?

Of the respondents who answered, the majority thought that the methodology was appropriate. Some did comment that the format of this AoS differed from those produced for other sectors, and that a more consistent approach to the documents across the suite of NPSs would have resulted in a more integrated, joined up approach to the assessment of their sustainability.

Of the negative comments received, a summary of the most numerous is as follows:

- The Non-Technical Summary did discuss phases of assessment, recommendations and revised drafts, but the commentary was often of

a general nature and therefore difficult to comment upon. The execution of the work appeared superficial with little evidence provided to support the conclusions drawn, and with inconclusive or contradictory outcomes reported.

- In one view, the AoS was thought 'almost wholly inappropriate'. It was, argued the respondent, appropriate that the AoS set out to meet the requirements of the Strategic Environmental Assessment (SEA) Directive. However, the AoS assessed the effects of the NPS on the consenting process, which was not the same as the requirement in the SEA Directive to assess the likely significant effects on the environment of implementing the 'plan'. Because of the non-spatial nature of the NPS it also failed adequately to assess cumulative impacts.
- An Appraisal of Sustainability (AoS) should be factual and not set out to justify a policy, either by what it includes or by what it excludes. The key weakness of the economic and social components was that the secondary/indirect effects on the environment were not identified. In particular, the environmental effects of importing goods were not assessed. At the most basic level, any appraisal of 'economic sustainability' was open to challenge on the grounds that (purported) economic effects were in reality either environmental or social (e.g. material wellbeing) and that the separate economic 'pillar' only exists to give symmetry.

While it is considered that the basic methodology was appropriate to the determination of the AoS, concerns were raised regarding the identification of secondary, indirect, and synergistic effects. Concerns were also raised with the small number of bodies, and the small range of competencies covered by these bodies, invited to make representations on the Scoping Report and AoS Framework. While the AoS did acknowledge that the key stakeholders, with the exception of the Sustainable Development Commission, were all primarily environmental, the consideration of the relationship on Economic Objectives could have benefitted from greater expertise.

We have not accepted comments that were grounded on the belief that the NPS should have been spatially directive. It is not, and for that reason it does not of itself have directly predictable effects on the environment — which will need to be thoroughly assessed for individual applications. The AoS does assess the policies set out in the NPS (as it evolved) and it is inherently appropriate that it should express judgements as to the sustainability of those policies as compared with the alternatives discussed.

Q20: Do you agree that the environmental component of the AoS constitutes a SEA for the purposes of Directive 2001/42/EC?

Of the 15 responses that answered this question, 10 thought that the environmental component of the AoS constituted a SEA for the purposes of Directive 2001/42/EC.

Those who thought that the AoS environmental component did not constitute a SEA explained their reasons by answering the following questions.

Q21: Has the AoS considered all the relevant plans, policies and programmes?

Q22: Has the baseline analysis in the AoS missed or misrepresented any environmental, social or economic data?

Q23: Are there any additional key sustainability issues relevant to the Ports NPS that need to be considered in the AoS?

Q24: Are the AoS objectives and sub-objectives as set out in the AoS framework appropriate?

Half of the respondents to Q21 thought that the AoS had considered all relevant plans, policies and programmes (PPPs). Those that didn't think the AoS had considered all PPPs cited a general lack of cross-referencing of policies. These included but were not limited to; National Networks and Nuclear NPSs, DaSTS, Marine and Coastal Access Act (2009), Site Waste Management Plans and PPS12.

Several respondents were critical of the baseline analysis in the AoS stating that the data were 'quite inadequate' and lacking in detail. They thought that the information provided tended to be rather generic with little or no emphasis on the environment related to ports. For example one respondent suggested that it would have been more relevant to refer to baseline coastal light pollution, rather than including urban and rural areas generally.

Several port operators and trade associations alleged misrepresentation of economic data found in section 6 of the document, covering developer funding *versus* state funding of inland connections. The AoS states that 'that investment in UK ports has not been suppressed as a result of requiring developers to fund connecting infrastructure'. However, several thought that in practice the inequality of treatment between UK and continental ports in this regard may well make it more difficult to secure private investment in UK port facilities in the future.

Ultimately it is impossible to prove with certainty whether investment plans would have been similar without the requirement for funding connecting infrastructure. The Department, however, stands by the assessment that investment has not been suppressed.

Two respondents argued a need for more detailed datasets.

Other comments included failure to identify the specific *Natura 2000* sites in or adjacent to major ports and failure to describe the likely evolution of the baseline in the absence of the NPS (a requirement of Article 5(1) of SEA Directive).

Almost half of the responses to Q23 thought that all key sustainability issues had been covered; any reservations expressed were concerning how comprehensively they had been considered in the appraisal process.

Of those that responded negatively to the question most of the comments were regarding existing issues that they thought needed changing. These issues included:

- Key Issues 4, 6 and 7 – the AoS should have considered the scale and probability of the impact/issue rather than simply the risk of the impact/issue arising. (Response: unnecessary for this purpose and too difficult to predict for unknown future developments.)
- Key Issue 10 - Waste Generation and Resource Use: AoS should have considered reducing the waste produced rather than simply whether waste created is reused. (Response: prevention is at the top of the 'waste hierarchy' as cited in the NPS.)
- Key Issue 17 - Employment, Regeneration and Local/Regional Development: Reference was made to the benefits of ports to disadvantaged areas. There was no guarantee that development would take place in these areas, and no consideration was given to the impacts of a development in an alternative area. (Response: ports can benefit disadvantaged areas but decisions to locate development should be based on full range of relevant factors.)
- Key Issue 22 - Population: Consideration should have been given to the extent that ports can exacerbate inequalities in population trends, rather than simply to reduce these. (Response: not clear that this is at all a likely direct consequence of port development.)
- Key Issue 25- Health and Well Being: Consideration should have been given to the impact of port operation and port access traffic on health inequalities. The AoS currently only considers the impact of traffic on reducing health inequalities. (Response: issue sufficiently addressed in AoS.)

Additional issues not explored in detail in the AoS included the climate change implications of various options for increasing ports capacity. These included those arising from different location choices, and from more efficient use of existing capacity. Also one respondent noted that greater consideration should have been given to the appraisal of wider supply chain effects of port developments, in terms of road congestion and CO₂ emissions. (Response: again, very difficult to appraise in abstract terms. But transport assessment should encompass known supply-chain effects attributable to or cumulated by the development, if significant.) One respondent thought that the issue of fisheries in both the NPS and the AoS had been completely ignored. (Response: referenced in relation to environmental stressors but otherwise largely not relevant.)

For Q24 the majority of responses unreservedly thought that the objectives and sub-objectives set out in the AoS were appropriate.

Those who thought the objectives were inappropriate questioned their vagueness. For example, with the economic objectives one respondent thought that the phrase in the AoS 'to encourage wider economic benefits' did not specify what was being measured, whether it was gross or net, or whether the measure of success was if the benefits actually occurred or were simply encouraged.

The Landscape Institute thought that there should have been a specific objective which encouraged high quality design, which is a response to visual impact as a key issue.

One local authority response suggested a change to the landscape objective: "To preserve, protect and, where possible, improve landscape and seascape, whilst making it more accessible", would, said this response, be better if ", where appropriate" were appended. This was because there may be situations, where increased access was inappropriate for either security or habitat protection reasons.

An environmental NGO thought that many of the objectives were insufficiently aspirational in terms of enhancing or improving the natural environment. They thought that the emphasis was too much on 'preserving', 'protecting' or 'avoiding' negative impacts. Response: the final NPS does include numerous references to improving where possible, although one must recognise that avoidance, preservation and mitigation are often the realistically achievable measures, where forms of development do have inevitable adverse impacts.

Q25: Are there any incompatibilities between the main NPS objectives and the AoS objectives which have not been identified in the AoS?

Exactly half of the respondents did not feel that there were any additional incompatibilities between the objectives of the NPS and the AoS.

Many in the other half found it surprising that all objectives were deemed to be compatible or as uncertain, or having no relationship. Some questioned the validity of the Compatibility Analysis.

Other concerns were as follows:

- The AoS objectives mis-referenced the need for high quality design. Industrial and large scale features had the potential to add drama and interest to the landscape character and can in certain places improve the visual quality if they were replacing rundown dilapidated buildings and infrastructure. It was not unreasonable to expect attention to be given to the visual and design elements within any new port development. (Response: the NPS does recognise that such improvements may be possible in some circumstances, though it would not be realistic to expect this to be possible in every case, at least without disproportionate cost.)
- English Heritage commented on page 80 of the AoS that lists the NPS objectives for new port infrastructure, mostly replicating the NPS 1.10.2. They found that the reference to the historic environment objective present in the NPS was missing in the corresponding AoS section.
- The internal compatibility of the AoS objectives relating to economic issues is reported as uncertain. However, in comparing the AoS objectives and draft NPS objectives, no incompatibility is identified. These should have been reported as uncertain, to be consistent.

Overall response: we stand by the assessment in the final version of the AoS.

Q26: To what extent do you think the alternatives covered are appropriate? Are there any additional alternatives that should be included?

Q27: To what extent do you think the approach taken to the assessment of alternatives is suitable?

Q28: Do you agree with the results of the assessment of alternatives?

The majority of the respondents agreed with these questions in that the alternatives covered were appropriate, the approach was suitable and the results were correct.

A few respondents considered that the assessment was inappropriate. Some thought that the assessment was not conducted in accordance with the SEA Directive. One said that the alternatives were inappropriate because they were alternative options to selected policies within the NPS, rather than alternatives to the 'plan' itself. There was no consideration of the 'business as usual' alternative — sustainability appraisals usually include a 'no plan' option. These respondents thought that the AoS was weaker for this and that the reason for departing from usual practice was unconvincing. (Response: the specific requirement is for AoS of the policies set out in the NPS, not of producing an NPS against not doing so.)

Similarly, one said that in the AoS the preferred options appeared to show a bias towards new development rather than intensifying use of existing sites. (Response: we do not agree there is a bias. Commercial and other incentives are expected to ensure that new development is not undertaken in preference to intensification unless there is good reason for this. The NPS itself does deal with alternatives to development.)

English Heritage said that from the point of view of the impact of developments on the historic environment and heritage assets, the alternatives section appeared to present an optimistic view, stating that 'it is unlikely that significant negative environmental impacts will ensue'. They thought that NSIPs were 'likely' to lead to the irrecoverable loss of heritage assets, which are finite and non-renewable resources. (Response: this phrase is not used specifically in relation to historic environment. In context it is clear that the possibility of irrecoverable losses is recognised, and that the NPS policies are assessed in relation to the measures required to avoid such losses as far as possible.)

Some others that thought that the alternatives section was inadequate reasoned that some of the alternatives were unrealistic. For example, the 'no support for development' alternative was thought to be unrealistic as was the 'not subsidising port investment' option. They then went on to allege a lack of logic because some alternatives weren't accompanied by their obverse, for example mitigation did not have 'no mitigation'. Some thought this alleged inconsistency of approach rendered the section inadequate.

We accept that some of the AoS alternatives are stylised to a degree for expository purposes, and defend that as being necessary to elucidate the

assessment. It is implicitly recognised that more nuanced choices can lie within a range defined by stylised alternatives.

Q29: To what extent do you think the approach used to identify and assess effects is appropriate?

Q30: To what extent do you think the assessment correctly identifies the sustainability effects of the draft NPS?

Over half of those that replied thought that the approach used to assess the impacts was appropriate; some found it useful to be able to follow the iterative nature of the appraisal process, and see if and how recommendations had been taken into account during the drafting of the NPS. Some thought that the report identified clear working links between the AoS Team and the DfT Team in developing the NPS. It was thought that the approach also appeared to address a range of social, environmental and economic effects.

Concerns with the approach included arguments that it was unduly focused on the process of developing guidance within the draft NPS rather than considering the environmental, economic and social outcomes of pursuing the policies set out in the document. As a consequence, much of the material set out in Table 4 was alleged to be inconclusive and/or contradictory, with both positive and negative effects reported. (Response: positive and negative effects are reported in Table 4 because both are possible depending on the nature of developments consented.)

Others thought that the approach used to identify and assess effects, in particular the presentation of conclusions, could appear unclear or to be lacking justification: the tables in Appendices 2-5 gave the impression that the NPS would have a largely positive effect on key issues including water quality, biodiversity and the marine environment. For the most part the AoS concluded that positive effects on the AoS objectives would result from the NPS principally because the draft NPS contained guidance for the IPC to ensure that the likely negative effects of a proposal, and any necessary mitigation or compensation measures, were fully considered and given due weight. However, even given these safeguards it was also clear from the NPS/AoS that there would be circumstances where the national interest or the benefits of a proposal were deemed to outweigh the environmental negatives. In such circumstances even where mitigation or compensation measures were proposed, actual damage to the environment may still occur. A couple of respondents thought that the AoS should acknowledge this explicitly. (Response: this possibility is, in our view, very clear in context.)

Almost identical numbers responded positively and negatively to Q30. Criticisms of the assessment included the following:

- The assessment came to some arguably counter-intuitive conclusions. For example, a positive score was assigned for impacts on biodiversity because of increased shipping and dredging on the grounds that the NPS may help identify such impacts in the consenting process. The actual impacts of development, even with mitigation, were likely to be negative or at best uncertain. (Comment: the positive effects identified relate to the policies set out in the NPS, as compared with

development proceeding in the absence of these policies. In the case of protected sites, net positive effects are arguably quite possible given the rigorous nature of the regulations and compensatory measures that can be required.)

- While the AoS identified the sustainability effects of the draft NPS, and covered these well, the presentation of the information itself could be clearer. It would be helpful to have a summary table of the overall effect of the draft NPS policies against the AoS objectives in the main body of the report, with outstanding recommendations for improvement.

A quarter of those that replied to Q30 commented on the findings of the AoS. The AoS regarded the draft NPS as meeting the principles of sustainability and delivering positive benefits for the natural environment – they found it hard to see how this assessment has been reached in the case of biodiversity and the natural environment. In their opinion there appeared to be substantial errors in consideration of the impacts of the NPS policies upon the key sustainability objectives, and they went as far as to say they had no confidence in the document as an adequate assessment. We disagree with this view.

Q31: Do you agree with the recommendations proposed in the assessment?

All the responses received for Q31 agreed with the recommendations proposed in the assessment, except where they had highlighted concerns in answers to previous questions.

Q32: Have any key findings from the AoS report not been taken account of properly in the NPS?

The majority of those that responded to the questions on the AoS thought that all necessary key findings were identified and taken into account. The concerns appeared to be more with the findings themselves rather than the way they were taken into account.

A few respondents noted some outstanding recommendations from the iterative AoS process that had not been taken into account in the draft NPS, for example in respect of capital dredge projects.

We believe that the final NPS, following the drafting iterations described in the AoS annexes, does take sufficient account of key findings in the AoS report.

Q33: To what extent do you think the approach to monitoring is sufficient to monitor the sustainability effects of the NPS?

While the approach to monitoring was thought by many to be sufficient to monitor the sustainability effects of the NPS, most were undecided and a few respondents commented on the lack of monitoring opportunities that would be available in the near future: Because of the high threshold for ports schemes to be referred to the IPC and the number of planning consents which have recently been given but not yet implemented a few doubted whether the number of NSIP applications would be as high as one per year, at least in the

early years. Also, these respondents were surprised to see no reference to monitoring of schemes going to the MMO.

At a regional level one respondent said whilst monitoring is acknowledged as being necessary as part of an applicant's assessment, it should be taken into account and included with the annual monitoring of Regional Plans and Local Development Frameworks. They thought that this would assist with measuring the progress of relevant policies, both as part of a regional and, where relevant, a local assessment of the NPS.

One response criticised the AoS by saying that the monitoring measures were too generic, focusing on overall sustainability. The SEA Directive required monitoring for the specific environmental effects identified in the assessment, which (it was argued) the AoS did not do.

Another criticism was of The Scoping Report (Appendix C). This report identified indicators to assess port-related developments; however, these indicators were not referred to in the text of the AoS section on monitoring. Indicators should be used for all likely effects, not just those considered significant.

These points will be taken into account in the Department's Post-Adoption Statement.

Q34: To what extent do you think the Appropriate Assessment is a suitable high-level assessment of the impact of port development on protected sites and species?

The majority thought that the approach was suitable. Those that did not, cited the following criticisms:

- The Habitats Regulations Assessment (HRA) was alleged to be seriously flawed as the NPS failed to take a 'purposive' approach to the HRA by fully embracing the European objectives to avoid damage to *Natura 2000* sites from plans or projects. The HRA only made a weak attempt to assess the likely impacts of NSIPs at major ports on *Natura* sites, despite almost two-thirds of ports being on or near a site. (Response: we simply do not know precisely what applications will come forward or what effects they will have on protected sites. A comprehensive analysis of possible impacts would have been disproportionately costly and time-consuming, especially as applications likely to damage sites will themselves be subject to HRA)
- The Habitats Regulations Assessment only assessed the implications of development for protected habitats and species that are features of European Marine sites designated under the Conservation (Natural Habitats &c) Regulations 1994 as amended. The assessment of port development impacts would also need to consider impacts of species that received protection under these regulations outwith European Sites and also sites and species protected under national legislation such as the Wildlife & Countryside Act 1981 and forthcoming sites that may be designated under the Marine & Coastal Access Act 2009. (Response: the HRA is specifically intended to deal with European sites.)

- Not only (this critique continued) was there no clear evidence to support the suggestion that the NPS would not increase the likelihood of impacts upon protected sites, but the IROPI arguments were hard to sustain and could not be applied to the overall NPS because of the likelihood of impacts upon priority habitats. (Response: we disagree, in view of the protections that continue to apply at project level.)

One respondent found it 'somewhat disingenuous' to suggest that 'the publication of the NPS in itself does not increase the likelihood of significant effects on protected sites', arguing that by not setting a target for future port capacity, and by explicitly calling for an undefined level of additional capacity in order to increase competition, and by regarding even local economic gain as in the national interest, the NPS raised the bar as to the scale, nature and location of development that might be considered as taking priority over the protection of a European designated site. (Response: we do not expect the existence of the NPS in itself necessarily to increase the amount of capacity for which applications come forward, or receive development consent.)

Q35: Do you agree with the analysis of costs and benefits set out in the Impact Assessment?

A large majority agreed unreservedly with the analysis set out in the initial Impact Assessment.

One comment made stated that the respondent agreed with the objectives of a simpler and faster process but that they were not sure if it would be achieved.

Q36: Are there any impacts of producing a National Policy Statement that have not been considered?

Several respondents commented on this question, although half thought that all the necessary impacts had been covered.

One impact that many respondents mentioned, and not just local councils, was the impact of the NPS on local authorities. These respondents thought that the new system would have significant resource implications for local authorities as a result of the invitation to prepare Local Impact Reports for the IPC. As the local authorities would no longer be the decision-maker authority they would not receive the planning application fees for the reports. Some of the respondents called for the Government to allocate funding in order to cover the cost of carrying out the reports. (Response: these comments relate to aspects of the Planning Act arrangements other than the production of NPSs. It is hoped, however, that the existence of the ports NPS may be helpful to authorities preparing Local Impact Reports.)

DPTAC reiterated previous concerns over the failure adequately to address possible detrimental impacts on disabled people.

British Waterways said that the impact of port NSIPs and their associated developments could have the potential to affect the safety and integrity of any of their waterways, reservoirs, watercourses, canal feeder channel, let-offs or culverts as well having an impact on the value of them as a water resource

in terms of water supply, water quality, discharges, flood risk *etc.* (Response: BW will be able to make representations in such a case.)

One respondent said that it was worrying that there was no mention of a requirement to meet reduction in carbon emissions impacts, only an encouragement to do so. (Response: it would not have been possible nor appropriate for the NPS to attempt to impose such a requirement.)

Another concern was that whilst the impacts covered were substantial, they appeared to concentrate on the area immediately in and around the port, and that the impacts major developments could have on surrounding areas were not adequately addressed. We disagree with this comment and believe that wider impacts are adequately addressed.