| Title: | Impact Assessment (IA) |
|---|---|
| **Impact Assessment for the National Policy Statement for Ports**<br>**IA No:** tbc<br>**Lead department or agency:**<br>Department for Transport<br>**Other departments or agencies:** | **Date:** 25/08/2011<br>**Stage:** Final<br>**Source of intervention:** Domestic<br>**Type of measure:** Other<br>**Contact for enquiries**: **Philip Grindrod** |

## Summary: Intervention and Options

**RPC:** RPC Opinion Status

| Cost of Preferred (or more likely) Option | | | | |
|---|---|---|---|---|
| **Total Net Present Value** | **Business Net Present Value** | **Net cost to business per year** (EANCB on 2009 prices) | **In scope of One-In, One-Out?** | **Measure qualifies as** |
| £m | £m | £zero m | No | NA |

**What is the problem under consideration? Why is government intervention necessary?**

This is not a regulation. The Planning Act 2008 set out a new process for Nationally Significant Infrastructure Projects (NSIPs) to speed up and clarify the planning process. The new system was to transfer the decision-making process from Ministers to the Infrastructure Planning Commission (IPC). The present Administration has decided to abolish the IPC, so that (subject to passage of Localism Bill) the Secretary of State will take decisions on advice of a Major Infrastructure Planning Unit (MIPU) in the Planning Inspectorate, but to proceed with the NPSs as a clear policy framework for decisions. The ports NPS also sets out policy for non-NSIP applications which are considered by the Marine Management Organisation (MMO).

**What are the policy objectives and the intended effects?**

To contribute to the wider benefits of the new planning system laid out in the Planning Act 2008, in order to secure the expected benefits associated with this new system (quicker decisions, increased transparency). These benefits are set out in the Impact Assessment for the Planning Bill (DCLG, 2007), and for the Localism Bill as applicable.

To give increased certainty to port developers regarding Government policy on port development, in order to reduce unnecessary costs to industry associated with submitting applications that are not in line with Government policy..

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

1) Do nothing: do not develop a NPS for ports —Under this option, the implementation of the Planning Act (as amended) would take place for ports without a NPS. Decisions would still be made by either the Secretary of State for Transport or by the MMO, but without the clear policy steers provided by the NPS.

2) Produce and designate a NPS for ports — This option included public consultation and Parliamentary scrutiny, as required by the Planning Act. Consents for NSIPs would be considered by the IPC pending intended abolition then by the Secretary of State; and for non-NSIPs by MMO.

Option 2 is preferred ensuring that the benefits of the of the planning system are maximised for the ports industry, and that full consideration is given to environmental and other impacts.

**Will the policy be reviewed?** It will be reviewed. **If applicable, set review date:** Month/Year

| | | | | | |
|---|---|---|---|---|---|
| Does implementation go beyond minimum EU requirements? | | | N/A | | |
| Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base. | **Micro No** | **< 20** No | **Small Yes** | **Medium Yes** | **Large Yes** |
| What is the CO2 equivalent change in greenhouse gas emissions? (Million tonnes CO2 equivalent) | | | **Traded:** -_ | **Non-traded:** - | |

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister: ..... Date: .....

# Summary: Analysis & Evidence

Policy Option 1

**Description:**

**FULL ECONOMIC ASSESSMENT**

| Price Base Year | PV Base Year | Time Period Years | Net Benefit (Present Value (PV)) (£m) | | |
|---|---|---|---|---|---|
| | | | **Low:** Optional | **High:** Optional | **Best Estimate:** |

| COSTS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---|---|---|---|---|
| **Low** | Optional | | Optional | **Optional** |
| **High** | Optional | | Optional | **Optional** |
| **Best Estimate** | | | | |

**Description and scale of key monetised costs by 'main affected groups'**

There are no monetised costs to the industry of the third sector arising from the production of a National Policy Statement. The NPS does not impose any requirements; it sets out the Government's policy on port development and acts as guidance to the prospective developers, decision-makers and objectors. Costs of Planning Act implementation were covered in the Planning Bill IA published in July 2007.

**Other key non-monetised costs by 'main affected groups'**

There are no non-monetised costs to the industry or the third sector arising from the production of a National Policy Statement.

| BENEFITS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---|---|---|---|---|
| **Low** | Optional | | Optional | **Optional** |
| **High** | Optional | | Optional | **Optional** |
| **Best Estimate** | | | | |

**Description and scale of key monetised benefits by 'main affected groups'**

The monetised benefits of option 2 over option 1 are impossible to quantify. See non-monetised benefits box below.

**Other key non-monetised benefits by 'main affected groups'**

The Impact Assessment for the Planning Bill is based on an assumption that NPSs will be produced for the key infrastructure sectors, and therefore the production of a NPS for ports contributes to the benefits of the system more generally. With preferred option 2 decision-making will be more straightforward and predictable, and the industry in general will benefit from increased certainty for both NSIP and non NSIP developments.

**Key assumptions/sensitivities/risks** **Discount rate (%)** NA

Benefits to be derived rely on the effective implementation of the wider planning system set out in the Planning Act 2008, and on the applications that come forward, neither of which is within DfT's control.

**BUSINESS ASSESSMENT (Option 1)**

| Direct impact on business (Equivalent Annual) £m: | | | In scope of OIOO? | Measure qualifies as |
|---|---|---|---|---|
| **Costs:** | **Benefits:** | **Net:** | Yes/No | IN/OUT/Zero net cost |

# Evidence Base (for summary sheets)

## 1. Introduction to this evidence base

This Impact Assessment (IA) supports the publication of 'Ports: National Policy Statement for England and Wales', the DfT's Ports National Policy Statement (NPS). This document provides — in line with Government commitments to incorporate impact assessment throughout the policy development process — an assessment of the impact of producing this NPS.

The Ports NPS to which this IA applies largely does not propose substantive new policy. Consequently, it is not necessary or indeed possible to quantify hard figures for all costs and benefits such as might be associated with a major change in policy. Rather, we set out here some indication of the nature of costs and benefits associated with development of the NPS as compared with the alternatives which have been considered.

This IA assesses the decision to produce an NPS for ports to form part of the new planning system provided for in the Planning Act (as proposed to be amended). The policies within the NPS reflect already agreed and defined policy, and DCLG's planning guidance. This IA does not assess the impact of these policies. The Planning Act requires Government departments to assess the social, economic and environmental sustainability of policy stated within a NPS through the production of an Appraisal of Sustainability (AoS). An AoS has therefore also been undertaken which assesses the sustainability of the policies within the NPS.

This Impact Assessment was initially undertaken alongside the development of the Public Consultation draft of the Ports National Policy Statement (NPS) and the accompanying Appraisal of Sustainability (AoS) of the Ports NPS.

## 2. Background: The Planning Act

The development of a National Policy Statement (NPS) for ports and port-related development in England and Wales is provided for by the Planning Act . The Planning Act 2008 sets out a new planning system for Nationally Significant Infrastructure Projects (NSIPs). This is intended to introduce changes to speed up and make more transparent the process of considering and approving applications, in response to criticisms that the current system is lengthy and cumbersome, with long enquiries delaying key infrastructure. The new system will transfer the process of considering and deciding on applications for NSIPs from Ministers to a new independent body - the Infrastructure Planning Commission (IPC). The IPC will consider applications in the light of Government guidance laid out in National Policy Statements (NPSs), which will make the case for national need for the infrastructure, setting out the social, economic and environmental impacts.

The aim of the NPSs is to provide a clear long-term policy context for Nationally Significant Infrastructure Project (NSIP) development, and provide guidance for the Infrastructure Planning Commission's (IPC's) (or in future, subject to passage of the Localism Bill, the Secretary of State's) decisions. This process will help to clarify the 'need' for a project early on, reducing or eliminating the need for discussion at the project application stage. Promoters are able to develop proposals for infrastructure against the background of clear national policy. Promoters are helped to prepare applications thoroughly, while consulting with the public and engaging with key parties early on, preventing costly delays later in the process.

A role of the IPC is to advise project promoters and other parties during the project development stage on the application process, procedural requirements and consultation. Applications are to be submitted to the IPC, which will operate using a new, streamlined infrastructure consent process, greatly reducing or removing the need to apply to multiple decision makers. The IPC will subsequently examine the applications, taking evidence according to new inquiry procedures (majority of which is submitted in writing, tested by direct questions rather than cross examination).

The IPC should weigh the national need as set out in the NPS against the local impacts of individual proposed projects. Where adverse local impacts outweigh the local and national benefits, the IPC have the power to refuse consent for a project. People are given the opportunity to provide oral evidence directly in the course of the IPC's examination, within an overall time limit on the examination of the application and a decision. Strategic project development and decisions mean that public hearings are likely to take less time, and are therefore more accessible to the members of the public and other interested parties. Direct questioning by the IPC, rather than cross-examination by lawyers, also increases accessibility.

In 2007, an Impact Assessment was undertaken for the Planning Bill . This Impact Assessment included the consideration of the impact of NPSs and therefore the analysis is particularly relevant to this Impact Assessment for the Ports NPS. The Planning Bill Impact Assessment identified a range of problems with the planning system at the time, which the change in regime sets out to address:

### Problems identified with the planning system pre-Planning Act (CLG, 2007)

- The overly long and complex system delays completion of projects in the national interest.
- A lack of consistency in the time taken to gain planning permission. The national need for a project is often established late in the process. By this point promoters have invested a significant amount of money preparing an application for a project, and other parties have invested time in considering the project's impacts.
- The national need for infrastructure is often debated in the context of individual projects, instead of being debated nationally.
- Necessary preparatory work on the impacts of a project is not always carried out in a timely manner. This can cause delays and nugatory work. The quality of project promoter's local consultation at the early stages varies. This limits the opportunity for local communities to influence the development of projects in their area. Local people can offer valuable information on the impacts of a project, so inadequate consultation can also lead to applications being submitted for sub-optimal projects. Inadequate consultation can also potentially exclude certain groups. For instance, it could mean that only well resourced organisations that have the capacity to proactively look out for upcoming developments become aware that a promoter is consulting on a project. This could mean that members of the public and less well-resourced groups do not have the opportunity to comment.
- A number of approvals are often necessary for an individual project, which are often granted by a number of different decision-makers. Completing multiple applications is time-consuming for the promoter. The complexity also makes the system less accessible and limits the ability of members of the public or organisations unfamiliar with the consent regimes to understand which decision-makers are involved and over what timescales.
- Under the previous inquiry processes, evidence is usually probed by means of the oral cross examination of witnesses by counsel. This can be time consuming and expensive, and make it difficult to estimate how long an inquiry is likely to take, adding to the costs of participating. The legalistic and adversarial approach can also make it intimidating and difficult for members of the public to engage effectively in the process.

A number of negative effects were identified as a result. These are outlined below.

### Negative Impacts associated with the planning system pre-Planning Act

- Detrimental effects on quality of life in terms of services such as reliable water supplies, efficient transport, clean and affordable energy and effective disposal of waste.
- Reducing economic growth and prosperity, by increasing energy and transport costs, and by reducing flexibility to adapt to changing markets.
- Inhibiting efforts to curb climate change by delaying the construction of renewable energy and low carbon energy generation.
- Undermining efforts to secure energy supplies by delaying the construction of gas and electricity infrastructure.

The Impact Assessment for the Planning Bill outlined the following key benefits from the new planning system:

- Benefit to society of earlier completion of NSIPs (£280m per annum);
- Reduced administrative costs for promoters (£20.4m per annum), central government (£0.6m per annum) and Planning Inspectorate (£0.3m per annum);
- Greater accountability of national policy;
- Improved procedures for involving the public; and

- Greater consistency for promoters.

## 3. Definition of Options

There are two options that are being considered:

1. Do nothing: do not develop a NPS for ports

- A NPS for Ports would not be developed.
- Under this option, the implementation of the Planning Act would take place without a NPS for ports.
- Consents for NSIPs could be considered in two ways. A decision would need to be made between the two.

  A: Considered and decided by the Secretary of State for Transport under the Harbours Act. Other consents may also be needed under the Town and Country Planning Act.

  B: Considered by the IPC with a recommendation made to the Secretary of State for Transport. The Secretary of State for Transport would take the final decision and if appropriate give consent under the Planning Act.
- Consents for non-NSIP port projects would be considered by the Secretary of State for Transport under the Harbours Act, with consideration by the Marine Management Organisation (MMO).

2. Produce and designate a NPS for ports (chosen option)

- A Ports National Policy Statement would be developed and designated as provided for by the Planning Act. This option includes public consultation and parliamentary scrutiny, as required by the Planning Act before a NPS can be designated.
- Consents for NSIPs would be considered by the IPC.
- Consents for non-NSIP port projects would be considered by the Secretary of State for Transport under the Harbours Act, with consideration by the MMO .

## 4. Analysis & Evidence

A variety of administrative costs and benefits are associated with the new Planning Act regime, which have been previously assessed in the Planning Bill Impact Assessment. These include those costs related to central Government, costs to the Planning Inspectorate, costs to Local Government, number of future NSIPs, costs of setting up and running the IPC, and costs to promoters. The analysis below considers the costs and benefits to industry of producing the NPS for ports specifically. It is not considered that either of the options set out above would have an impact on the third sector. The geographical scope of these impacts is England and Wales; an NPS for ports would not apply in Northern Ireland or Scotland as ports policy is devolved there**.**

### 4.1 Costs

There are no monetised or non-monetised costs to industry arising from the production of a National Policy Statement.

### 4.2. Benefits

It is difficult to separate the benefits of producing a ports NPS from the benefits of the new planning system more broadly (as highlighted in the Impact Assessment for the Planning Bill). The Impact Assessment for the Planning Bill is based on an assumption that NPSs will be produced for the key infrastructure sectors, and therefore the production of a NPS for ports contributes to the benefits of the system more generally.

However, the new planning system is now being implemented and would continue to be implemented even if a ports NPS were not produced. Option 1(A) (port applications continue to be considered by the SofS under the Harbours Act) would exclude the ports industry from deriving the benefits of this new planning system. However, option 1(B) (port applications are considered by the IPC with a recommendation to the SofS) would allow the ports industry to derive most of the benefits of the new planning system, with the following exceptions, which would only be maximised under option 2.

*Extension of the process*

The planning process for NSIPs would be slightly extended due to the need for the SofS to take a final decision following a recommendation from the IPC. This would reduce some of the cost savings to NSIP promoters.

This would not have an effect on non-NSIP promoters.

*Reduced certainty*

The industry would not benefit from the increased certainty, specifically for promoters of port developments, as to the expectations for port applications, which would be provided by producing a ports NPS. This would mainly be for NSIP promoters, but also for non-NSIP promoters, since the NPS would also apply to these developments.

An aim of the new system is to make it clearer to applicants from an earlier stage in project development if consent is unlikely (or likely) to be achieved, or what obligations/conditions are likely to be needed for it to be acceptable. The Ports NPS outlines, in broad terms, the national need for port development and explains the mitigation expected for various adverse impacts. In this way, it will give a promoter more indication of what kind of application is likely to be approved, although it will not, of course, reduce the risk of an unsatisfactory application being rejected.

For the ports sector, this will help to reduce the costs incurred to the industry as the result of inappropriate applications being submitted for planning consent and subsequently rejected. It will allow ports to plan future development more effectively. This should increase the likelihood of capacity being provided where it is needed on time.

The increased certainty on the Government's policy towards ports will also help other commercial bodies using or operating alongside ports to be more certain about what they can expect from future development. Local and regional authorities and transport infrastructure providers will also benefit from greater clarity on policy towards port developments, helping them to plan more effectively.

*Reduced clarity for the IPC*

The IPC would not benefit from the increased clarity of having an NPS which gives pointers to relevant planning guidance and brings together the most relevant policies for the ports sector.

Therefore, the benefit of option 2 over option 1(B) is that it maximises the benefits to the ports industry of the new planning system.

## 5. Risks and Uncertainty

This impact assessment has explained that it is difficult to separate the benefits of producing a port NPS from the wider benefits of the new planning system. As a result, the specific benefits to be derived from producing a ports NPS are inherently uncertain.

The benefits to be derived rely on the effective implementation of the wider planning system set out in the Planning Act 2008, which is not within DfT's control.

## 6. Specific Impact Tests

*Competition Assessment*

It is considered very unlikely that the options will have a differential impact on competition. The competition effects of the policies contained within the NPS are considered in the Appraisal of Sustainability.

*Small Firms Impact Test (SFIT)*

It is unlikely that the development of the Ports NPS will have a significant impact on small firms compared to the do nothing option. There may be some beneficial impact on small ports arising from some increased certainty for non-NSIPs. There may also be some benefit for small firms working for major ports due to the greater certainty involved in having a port NPS.

*Legal Aid*

It is unlikely that the development of the Ports NPS will affect Legal Aid requirements compared to the do nothing option.

*Sustainable Development*

It is unlikely that the development of the Ports NPS will have a significant impact on sustainable development compared to the do nothing option. However, an Appraisal of Sustainability (AoS), which includes an assessment of impacts relating to sustainability, has been undertaken focusing on the impacts of the policies in the NPS.

*Carbon Assessment*

It is unlikely that the development of the Ports NPS will have a significant impact on emissions of greenhouse gases compared to the do nothing option. However, an Appraisal of Sustainability (AoS), which includes an assessment of impacts relating to greenhouse gases, has been undertaken focusing on the impacts of the policies in the NPS.

*Environmental and Social Impacts, and Other Environmental Impact Assessment*

It is unlikely that there will be any environmental (including wider environmental impacts ) or social impacts as a result of having a Ports NPS compared to the do nothing option. The environmental and social effects of the policies contained within the NPS are considered in the Appraisal of Sustainability.

Furthermore, ports policy would continue to be developed in the absence of the Ports NPS, and the same environmental and social impact criteria would be used to assess any proposed schemes brought forward.

*Health Impact Assessment*

It is unlikely that the development of the Ports NPS could potentially affect health and well-being, or health equalities compared to the do nothing option. An Appraisal of Sustainability (AoS), which includes an assessment of the impacts relating to health, well-being and equity, has been undertaken focusing on the impacts of the policies in the NPS.

*Race Equality*

It is unlikely that the development of the Ports NPS could potentially affect race equality compared to the do nothing option. An Appraisal of Sustainability (AoS), which includes an assessment of impacts relating to equity (including race), has been undertaken focusing on the impacts of the policies in the NPS. The Equality Impact Assessment (EQIA) screening assessment (see Annex 1) has found that based on the available evidence, the policies within the NPS are not predicted to have an impact on race and ethnicity equality target groups (ETGs).

*Disability Equality*

It is unlikely that the development of the Ports NPS could potentially affect disability equality compared to the do nothing option. An Appraisal of Sustainability (AoS), which includes an assessment of impacts relating to equity (including disability), has been undertaken focusing on the impacts of the policies in the NPS. The EQIA screening assessment (see Annex 1) has found that based on the available evidence, the policies within the NPS are not predicted to have an impact on disability ETGs.

*Gender Equality*

It is unlikely that the development of the Ports NPS could potentially affect gender equality compared to the do nothing option. An Appraisal of Sustainability (AoS), which includes an assessment of impacts relating to equity (including gender), has been undertaken focusing on the impacts of the policies in the NPS. The EQIA screening assessment (see Annex 1) has found that based on the available evidence, the policies within the NPS are not predicted to have an impact on gender ETGs.

*Human Rights*

It is unlikely that the development of the Ports NPS could potentially affect Human Rights requirements compared to the do nothing option.

*Rural Proofing*

It is unlikely that the development of the Ports NPS could potentially affect Rural Proofing requirements compared to the do nothing option.

*Equalities Impact Assessment – Screening*

Please see Annex 1 for an Equalities Impact Assessment (EqIA) screening for the Ports NPS. The following equality target groups (ETGs) were considered in the screening assessment:

- Age;
- Disability;
- Gender (includes transgender);
- Race and ethnicity;
- Religion or belief; and
- Sexual orientation.

Based on the available evidence, the EQIA concluded that the policies within the NPS are not predicted to have an impact on the above ETGs. Based on this screening assessment, it is not envisaged that a full Equality Impact Assessment is required.

### Table 1: Summary of Specific Impact Tests

| Impact Test | Summary of Impact – Development of the Ports NPS compared to the do nothing option |
|---|---|
| Competition Assessment | Unlikely that there will be an impact** |
| Small Firms Impact Test | Unlikely that there will be a significant impact, although there may be some beneficial impact on small ports arising from some increased certainty for non-NSIPs and some beneficial impact on small firms working for major ports. |
| Legal Aid | Unlikely that there will be an impact |
| Sustainable Development | Unlikely that there will be an impact** |
| Carbon Assessment | Unlikely that there will be an impact** |
| Other Environment | Unlikely that there will be an impact** |
| Health Impact Assessment | Unlikely that there will be an impact** |
| Race Equality | Unlikely that there will be an impact** |
| Disability Equality | Unlikely that there will be an impact** |
| Gender Equality | Unlikely that there will be an impact** |
| Human Rights | Unlikely that there will be an impact |
| Rural Proofing | Unlikely that there will be an impact |

**An Appraisal of Sustainability (AoS), which includes an assessment of impact relating to sustainability (including the topics listed within these specific impact tests), has been undertaken focusing on the impacts of the policies in the Ports NPS.

## Annex 1: EqIA Screening

### Introduction

This note considers the Equality Impact Assessment (EQIA) of the Department for Transport's (DfT) National Policy Statement (NPS) on ports. EQIA is a process by which policies and proposals are assessed in order to understand their implications for the equality of groups that may be vulnerable to inequality. They can assist in compliance with statutory duties in relation to racial, sexual and disability equality. The purpose of EQIA is to ensure that, with respect to Equality Target Groups (ETGs), proposals incorporate elements to take reasonable opportunities to improve equality and take steps to mitigate and monitor aspects of the proposal that may worsen inequality.

In addition to statutory groups, most EQIAs incorporate consideration of impacts on other vulnerable groups. Good practice guidance suggests that people vulnerable to inequality as a result of a range of characteristics be considered. This consideration is required by the DfT's guidance and is summarised in the table below:

| Equality Group | People and aspects included |
|---|---|
| Age | Young, old and middle aged people. |
| Gender | Men, women, married people, transgender people; parenting, caring, flexible working and equal pay concerns. |
| Sexual orientation | Heterosexual and bisexual men and women, gay men and lesbians. |
| Disability | Disabled people with physical, mental, sensory, visible or hidden impairment. |
| Race | People from the various racial groups as per the census categories, for example, – White British, Chinese, British Asians, Travellers, Gypsies, Roma, those who are of Caribbean origin, people of mixed heritage, White Irish communities, and people of nationalities outside of Britain who reside here. |
| Religion or belief | People who have a religious belief; people who are atheist or agnostic; people who have a philosophical belief which affects their view of the world. |

Other groups that may be vulnerable to social exclusion, such as low income groups, are not generally incorporated into EQIA.

The National Policy Statement on ports is a new document, although many of the policies it articulates may already be extant. National Policy Statements are being developed by the Government under the provisions of the Planning Act (2008). They are intended to summarise Government policy with regard to nationally significant infrastructure in order to inform the newly established Infrastructure Planning Committee (IPC).

The NPS sets out high level policies in relation to ports, but incorporates no geographically specific proposals. Specific proposals for port development or expansion are expected to be market led and will be subject to scrutiny by the IPC.

This note records the results of an EQIA screening exercise undertaken on the draft NPS.

*Methodology*

There is no specific definitive guidance on conducting an EQIA, however most good practice approaches typically consists of a multi-stage process of which one stage is an initial screening and subsequent stages incorporate more detailed assessment; the development of an action plan; placing the EQIA and associated documents into the public domain; and monitoring. In the absence of core national guidance, this EQIA note is based on the DfT's in-house guidance . This note records the results of the initial screening stage of an EQIA.

It is generally the case that full EQIA is informed by two types of information:

- Consultation with appropriate stakeholders and representative groups; and
- Analysis of appropriate data sources.

It is emphasised that this note is not based on either of these types of analysis. This note has been prepared at the request of the DfT following the contribution by MVA Consultancy to a Sustainability Appraisal of the NPS, in particular on the theme of social impacts of the NPS. Accordingly, the content of this note is based on professional judgement and our overview of the NPS and NPS process. To increase confidence in the assessment of equality impacts of the NPS a fuller and more detailed analysis could be produced.

*EQIA Initial Screening*

Name of the function, policy or strategy - Current or Proposed: Ports National Policy Statement

Person completing the assessment: Stuart Reid, MVA Consultancy

Date of original assessment: June 2009 (updated September 2009 to reflect published Draft NPS and further slight update August 2011)

Purpose of the function, policy or strategy: Summarise DfT Policy with regard to Port development

Questions - Indicate Yes or No for each group

Gender Religion or Belief Age Disability Ethnicity and race Sexual Orientation Transgender

Is there any indication or evidence that different groups have different needs, experiences, issues or priorities in relation to the particular policy? No No Yes Yes No No No

Is there potential for, or evidence that, this policy may adversely affect equality of opportunity for all and may harm good relations between different groups? No No No No No No No

Is there any potential for, or evidence that, any part of the proposed policy could discriminate, directly or indirectly? (Consider those who implement it on a day-to-day basis)? No No No No No No No

Is there any stakeholder (staff, public, unions) concern in the policy area about actual, perceived or potential discrimination against a particular group(s)? No No Yes Yes No No No

Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with other government departments or the wider community? No No No Yes

No No No

Is there any evidence or indication of higher or lower uptake by different groups? No No No No No No No

Do people have the same levels of access? Are there social or physical barriers to participation (e.g. language, format, physical access/proximity)? No No Yes Yes No No No

Name of the function, policy or strategy to be assessed: Ports National Policy Statement (NPS)

Current or Proposed: Current

Person completing the original assessment: Stuart Reid, MVA Consultancy

Date of original assessment: June 2009 (updated September 2009 to reflect Draft 15/ix NPS)(further slight update August 2011)

*1. Aims, objectives and purpose of the function, policy or strategy*

To summarise Government policy on the development of ports for the information of the Infrastructure Planning Commission.

*2. Who is intended to benefit from the function, policy or strategy and in what way?*

What desired outcomes and success measures have been identified? That the IPC be fully informed of Government policy in order to make decisions on the determination of port development proposals of national significance.

*3. Stakeholder Management: responsibility and ownership*

Who has accountability for this function or policy at senior management level? Who has responsibility for it on a day to day basis? Who is, or will be, responsible for implementation? Who else influences delivery of this function or policy?

DfT is the owner of the National Policy Statement. As such, Richard Bennett (Head of Maritime Commerce and Infrastructure) and Ian Woodman (Director, Security and Maritime Directorate) have senior management responsibility for the policy. Due to the nature of the NPS it will not be formally "implemented" but once designated it will be used as direction for the Infrastructure Planning Commission (IPC) when considering planning applications for Nationally Significant Infrastructure Projects (NSIPs). Senior management responsibility for this process will sit with the Chairman and Chief Executive of the IPC.

*4. Potential Project Management and Risks Issues?*

What factors could contribute to, or detract from, delivery of the outcomes and success measures?

None relevant.

***5. Is the aim of the function, policy or strategy, along with any of its intended outcomes, designed to: eliminate discrimination, promote equality of opportunity and/or promote good relations between different groups?***

*From the available evidence, is there any reason to believe that people are/will be treated differently (positively or negatively), according to the equality groups. Please put a tick in each of the equality groups.*

**Equality Group**

*Age*

**No impact.** There is potential for land transport generated by port development to sever routes and reduce accessibility for younger people who are reliant on non-motorised modes for independent travel. This need to avoid or mitigate such an impact however is acknowledged in the Draft 15/ix NPS (2.16.24).

*Disability*

**No impact.** It is unlikely that the Ports NPS will have negative impacts on disability groups. However, it is of importance that the design of port facilities is in compliance with the Disability Discrimination Act (DDA) and that this is recognised within the NPS. The NPS would be strengthened through inclusion of more guidance to the decision-maker on the requirement for inclusive design and how it should be assessed.

*Gender (includes transgender)*

**No impact.**

*Race and ethnicity*

**No impact.**

*Religion or belief*

**No impact.**

*Sexual orientation*

**No impact.**