

Guidance on the Preparation of Port Master Plans

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Introduction

1. Master plans for UK transport facilities are not new. The Department for Transport produced guidance on master plans for airports in 2004 and, since then, most major UK airports have successfully prepared their inaugural master plans. There is a broad consensus, within that sector, that the process has been worthwhile both for the airports themselves and for their users, neighbours and suppliers.
2. Ports differ from airports in many ways, of course. Nevertheless, the balance of opinion in consultation was that master plans could be very useful for at least the larger ports to undertake, and in our Interim Report on the ports policy review (July 2007)¹ we
... recommend[ed] to all major ports that they produce Port Master Plans, and consult on these with local stakeholders including planning authorities and regional development agencies in order to help co-ordinate medium-term planning.
and undertook to produce guidance.
3. The purpose of this guidance is to assist ports, not to dictate to them. This is a successful, competitive sector which does not require central direction on running its business.
4. This is therefore positive guidance which will help ensure that UK ports are able to prepare robust information to be able to fully engage with stakeholders.
5. We believe that most major ports will find the production of such a plan worthwhile, and will find local planning bodies and other interested parties very willing to co-operate in the endeavour. Some have already done so. A notable example is Dover², whose ongoing master planning process has been welcomed locally and recognised in the South East Regional Economic and Transport Strategies.
6. Throughout, the principle is 'horses for courses'. Ports are very disparate, and they will find themselves preparing plans at different points in time relative to other planning and decision cycles. So this is not a fixed template, but rather a set of pointers to consider when developing, implementing and reviewing a master plan.

Territorial scope of the guidance

7. This guidance covers England and Wales. Ports policy in Wales, other than for small fishery harbours, is not devolved. The Welsh Assembly Government (WAG) does however take a close interest in port developments and this guidance has been prepared in collaboration with it. WAG encourages ports in Wales to produce master plans in consultation with the Wales Freight Group, Regional Transport Consortia, Local Authorities, the Sustainable Development Commission and Cynnal Cymru, and to be aware of the significance of the Wales Spatial Plan.
8. Ports policy in Scotland and Northern Ireland is devolved and the respective administrations there will decide in due course whether to endorse this guidance, or to produce separate material.

¹ www.dft.gov.uk/pgr/shippingports/ports/portspolicyreview/portspolicyreviewinterimreport

² www.doverport.co.uk/?page=MasterPlanning

The purpose of master plans

9. The main purposes of port master plans are to:
 - **clarify** the port's own strategic planning for the medium to long term;
 - **assist** regional and local planning bodies, and transport network providers, in preparing and revising their own development strategies; and
 - **inform** port users, employees and local communities as to how they can expect to see the port develop over the coming years.
10. It does this by setting out:
 - how the port expects to **grow and develop** its business over time;
 - why this is feasible in the context of **wider patterns of supply and demand**;
 - **where** changes of land-use are likely to be required to support growth areas;
 - what **alternative** ways of meeting demand have been and will be considered;
 - what **environmental** measures will be taken to ensure that not only are adverse effects mitigated, but as far as possible the port makes a **positive** contribution to environment and amenity;
 - **when** individual development proposals will be put forward;
 - **how** people will be consulted — both within the master planning process itself, and beyond; and
 - **how** the port's development plans integrate, support and inform the regional and local economic, transport and planning policy context as the result of close liaison with local and regional planning bodies during the production of the master plan.
11. Master planning is not just for the benefit of regional and local planning bodies and local stakeholders; we believe that the process of producing a master plan will benefit the port itself in a number of ways:
 - engaging with local and regional planning bodies at an early stage of expansion plans will allow port development to be incorporated at various levels of spatial planning and will help to secure the buy-in of these crucial stakeholders;
 - keeping local stakeholders informed of the business direction of the port will help the port to build good working relationships locally;
 - being clear and transparent about demand forecasts and expansion plans will raise the profile of the port both locally and nationally; and
 - strategically considering future developments will reduce the lead-time for individual projects when they come to fruition.
12. What a master plan is *not* intended to be is rigid and inflexible. Ports operate in a dynamic commercial world and it is essential that they should have the flexibility to adapt to changing patterns of demand, and to competitive opportunities. The master plan should therefore present a framework within which such adaptation can occur without undue bureaucracy.

Which ports should produce master plans?

13. We envisage that most major ports will find advantage in producing master plans. A major port, in the Department's Maritime Statistics³, is one which handled at least 1M tonnes in 2000. For present purposes we will define a major port as one *currently* handling at least 1M tonnes. Thus defined, around 51 ports are in this category UK-wide, of which 39 are in England and Wales; accounting together for some 97% of reported traffic through ports by tonnage.
14. Many such major ports will expect to bring forward one or more substantial development proposals within a 25 or 30 year time horizon. Such development proposals may not entail expanding the port estate — they may be deliverable by changing the use of existing operational or non-operational port land — but may nevertheless imply significant effects on local roads, railways or social infrastructure; and the prospective environmental impacts may be important. Furthermore, even when there are no development proposals planned a port may find that engaging with stakeholders through the master planning process is still useful.
15. By 'substantial' here, therefore, we do not necessarily mean a development of such a scale that it will require an application to the Infrastructure Planning Commission, to be established under the provisions of the Planning Act 2008.
16. More often the relevant applications for harbour revision or empowerment orders will fall to be considered by the Secretary of State; or in future, subject to passage of the Marine and Coastal Access Bill, by the Marine Management Organization.
17. The port business responsible for creating or co-ordinating the master plan should be that which drives the strategic commercial direction of the port. It will often be necessary to take matters forward in association with major associated terminal operators on the estuary or nearby coast. Circumstances and degrees of autonomy differ widely, so it is not appropriate to be overly prescriptive here. A conservancy port authority may or may not be well placed to coordinate strategic planning for its estuary as a whole, and may or may not find it appropriate to prepare a master plan for its own activities only, where the terminal operators choose to prepare a separate master plan or plans for the primary commercial business.
18. History and geography combine to mean that most of the coastal and estuarial zones suitable for harbour development have already been exploited in one way or another. Exceptionally, though, an entirely new port may be promoted on land which has either never been in port use or, as in the case of London Gateway, where a previous and different type of facility has fallen into disuse. Such a case will be no less suitable for the master plan approach.

Summary

19. A rough guideline is that major ports — broadly, those handling more than 1M tonnes each year — will find advantage in producing master plans.
20. Smaller ports with modest growth aspirations may consider that the scale of their projected development does not justify the managerial resource input required to produce a good master plan. But there will be exceptions on either side of this threshold: major ports at the smaller end of the range which do not foresee growth,

³ Maritime Statistics is updated yearly. The latest published at the time of writing (for 2007) can be found at

www.dft.gov.uk/pgr/statistics/datatablespublications/maritime/compendium/maritimestatistics2007

and currently minor ports, or promoters of wholly new facilities, whose aspirations give them a clear interest in securing the buy-in of those who will become engaged, sooner or later, in the planning system. We encourage ports of any size to produce a master plan where they see that it would be beneficial for them to do so.

21. So, it is important to remember that every master plan will be different depending on the size of a port and the extent of plans for future development. We encourage ports to vary the scale and scope of their master plan in accordance with these factors.

Interaction with the planning process

22. Master plans should feed into regional and local planning strategies. Close liaison with regional and local planning bodies during the preparation of a master plan benefits the port by ensuring that its development intentions are represented in the appropriate spatial plans.
23. On a local level, this should involve liaison with local authorities on Area Action Plans, which will feed through to the Local Development Framework and Local Transport Plan⁴. To aid this dialogue, it may be necessary for the port to *geographically* quantify the economic, social and environmental impacts of future plans.
24. If, however, the intention is for a master plan to be fully integrated into the Local Development Framework, the port should work closely with the local planning authority, as the local planning authority will need to take the lead and follow appropriate statutory processes.
25. On a regional level, ports should liaise with Regional Bodies including the Regional Development Agency⁵ to ensure that the master plan feeds in to regional strategy documents.
26. In the future, a master plan could also usefully feed into the marine plans proposed under the Marine and Coastal Access Bill.

When should master plans be produced?

27. In deciding when to begin work on a master plan, it is important to consider:
 - a. the position in the cycle for revision of the relevant Regional Strategy, Local Development Framework and Local Transport Plan;
 - b. the planning and funding cycles of external infrastructure providers including local highway authorities, the Highways Agency⁶ and Network Rail;
 - c. the lead-time for producing the master plan itself, including the need for informal and formal consultation;
 - d. the expected timing of development applications and their processing;
 - e. the Government's National Policy Statements for ports and national networks (see 55 and 56 below), and the associated port demand forecasts and their revision from time to time; and

⁴ In Wales, the relevant local documents such as the Local Development Plan.

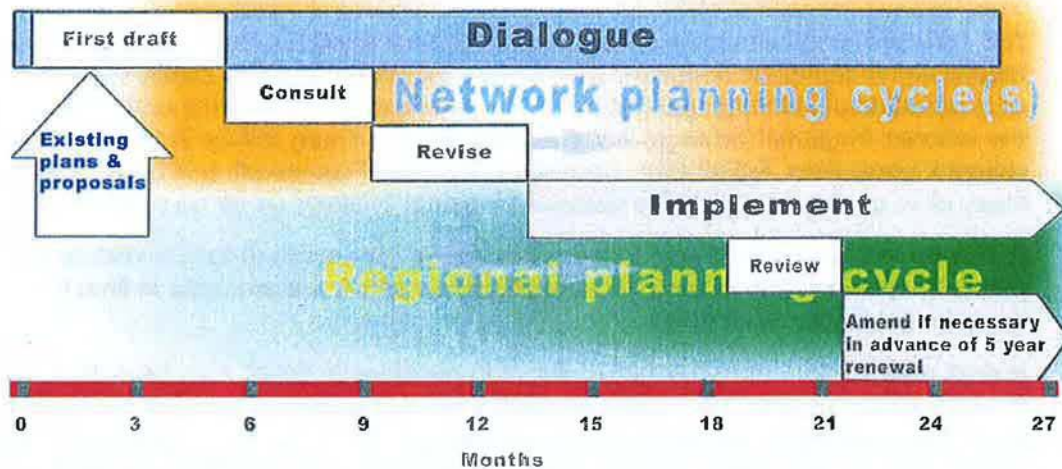
⁵ In Wales, ports should engage with the appropriate Regional Transport Consortium.

⁶ In Wales, Transport Wales.

- f. both the Marine Policy Statement and marine plans that will be produced if the Marine and Coastal Access Bill is enacted.
28. The optimal timing cannot be determined by a mechanistic formula, but a port should ideally aim to complete its master plan before the earlier of either public consultation on a substantial planning application, or the deadline for input to the next revision of the relevant Regional Strategy. If this is not possible, it may still be in time to inform the relevant Local Area Action Plan, Local Development Framework and Local Transport Plan, all in consonance with the relevant Regional Strategy so far as possible.
29. It may be worthwhile for a port to bring forward its own medium-term investment planning specifically in order to include proposals which are available in time to inform the relevant Regional Strategy.
30. A draft master plan, still potentially subject to revisions in detail, may be sufficient for its main elements to be taken into account, even if tentatively, by the relevant planning body. Discussing the development of a master plan with local and regional planning bodies from an early stage will help to ensure that the relevant bodies are aware of broad development intentions, even if a draft master plan is not yet available.
31. It is intended that master plans will also feed back to transport programme planning by the Department and the national network operators. Master plans, particularly those covering the largest ports and developments, should be prepared with this in mind, although they should not be treated as bidding documents in any sense.

How long will it take?

32. The time required for preparation will vary widely according to the complexity of plans and circumstances, but should not be underestimated when working back to define the 'critical path'.
33. Full engagement with interested parties is essential and in even the most straightforward cases — as experience with airport master plans bears out — it will be necessary to allow a **minimum of one year** from inception to completion of a final post-consultation port master plan.
34. Even this allowance of time makes a number of assumptions: that management resources continue to be available and are not diverted by other priority tasks or corporate reorganisation; and that core proposals are well defined at the outset and do not change during the drafting process.
35. If it is considered that the risks of any of these conditions not being satisfied are substantial, then a longer period should be allowed if possible — as it should be anyway for longer or more complex master plans.
36. The following is a possible timetable for production of a master plan, where there are no significant complicating factors:



This is a purely illustrative schema, and the relative lengths of each stage will differ from case to case.

Period of plans

37. In any planning process, it is a fact of life that uncertainty increases the further ahead one looks. Determination of appropriate planning horizons represents, in essence, a trade-off between this uncertainty and the life of the investment assets, as well as the potential duration of any external — particularly, environmental — effects.
38. It is also entirely appropriate that the degree of detail to be expected should be greater in the early years of the planning period, and less in later years.
39. Port infrastructure may be very long-lived. Asset lives of 30 years and longer are not unusual, and major investments (which may be scheduled to take place several years into the planning period) would often need to be remunerated over a similar period. Environmental effects such as those from capital dredging — even if not actually irreversible — can also persist in to the long term.
40. However, demand forecasts become highly uncertain more than 25-30 years ahead, and the effects of discounting also greatly diminish the present value of later flows.
41. A time horizon of 20 to 30 years will therefore represent an appropriate compromise, in most cases.
42. The demand forecasts produced in 2006 on the Department's behalf look ahead to 2030: a period of 22 years from the present. These forecasts are intended to set a national (and to some extent regional) context for master planning, as well as for the National Policy Statement which will be published in due course. The relationship with port-level forecasts is discussed further at 44ff below. Our intention is to review these forecasts about every five years, and in doing so to extend their horizon also by five years each time.

Content of plans

43. The contents list for each master plan will almost certainly be different from that of others, given the broad diversity of circumstances. However, it is possible to suggest a core set of sub-headings which are likely to appear in many instances. These are discussed below, and **Annex A** sets out a 'checklist'.

Forecasts

44. The national demand forecasts prepared by MDS Transmodal⁷ deliberately do not include disaggregation to the level of individual ports. In principle one would expect port-level forecasts to be more uncertain and volatile than those for the ports sector as a whole, and to be more tied to the fortunes of particular market segments.
45. Moreover, ports may themselves disagree with the national forecasts. It is in the nature of a competitive business, and healthy for the sector, that there can be a diversity of views on the underlying trends for trade and the economy.
46. The national forecasts are, however, relevant to the master plan development process, because they represent a benchmark and because they will inform the National Policy Statement, in particular for Nationally Significant Infrastructure Projects (NSIPs).
47. The plan should therefore begin by setting out the port's own demand forecasts, including ranges of uncertainty for the principal traffics. There should be an explanation of how these forecasts relate, in the port's view, to the national ones.
48. It should be possible for the reader to tell how far (if at all) differences from the latter are explained by a different view of the national demand picture, by the port's commercial view, and by sub-traffic-sectoral considerations.
49. The plan should also include an assessment of the capacity of current infrastructure, and indicate at what point the port expects demand to exceed that capacity in order to give an indication of when new infrastructure is likely to be required.

Infrastructure proposals

50. The plan should include a description of the port as it currently exists, with schematic maps to aid the reader.
51. Such maps are not expected to take the form of detailed engineering or architectural drawings such as those that might accompany a planning application (unless an application has already been prepared), but to be of value they ought to contain sufficient information, including drawings, so that they may be clearly understood by laymen as well as professionals.
52. The plan should then describe significant proposed changes to the port estate, and show where development is envisaged. The plan should demonstrate how the port intends to make best use of its existing assets from the commercial and environmental standpoints, including ensuring that the capacity potential of current infrastructure will be fully achieved. The plan should frame proposed changes in relation to the demand forecasts.
53. The plan should also outline any intention to encourage the development of other activities – such as logistics distribution hubs or leisure activities – on the port estate.
54. In the case of proposed major development it will be worth explaining how alternative ways of meeting demand have been (or are being) considered, especially where the tests required by the Habitats Directive (see 90ff below) are engaged.
55. The Department expects to consult on a National Policy Statement (NPS) on ports during 2009. Under the Planning Act 2008, the NPS will inform the Infrastructure

⁷ www.dft.gov.uk/consultations/archive/2006/ppr/ukportdemandforecaststo2030.pdf. The 2007 update can be found at www.dft.gov.uk/pgr/shippingports/ports/portspolicyreview/207015_Final_Report_2.pdf.

Planning Commission's decisions on planning permission for port developments, and should therefore be taken in to account in the production of a master plan. It is the Government's intention that the ports NPS will **not** seek to stipulate where port development should occur. Rather, it will confirm the broad planning policy framework for a market-oriented sector.

56. The Department also intends to publish a NPS on national networks, covering the major road and railway infrastructure in England jointly⁸. This is scheduled (at the time of writing) for publication in 2010. This NPS too may be relevant to the preparation of a master plan, and all major ports (whether or not preparing a master plan) are recommended to review it for contents which may, directly or indirectly, relate to their business.

Permitted Development Rights

57. There are some port development activities that do not need approval through the planning system because they fall within the port operator's Permitted Development Rights⁹. Such an activity may be, for example, the erection of warehousing buildings associated with the handling of port cargoes, or change in the configuration of internal roads. It would be useful for the plan to outline the operator's future intentions for such activities if they are known.

Safeguarding, property and blight

58. The Department has given qualified support to the **safeguarding** of dormant port operational land¹⁰:
- There should be a strong presumption *against* it where there is little realistic likelihood of the facility being brought back into significant port operational use within a period of fifteen years or where the alternative use being proposed can easily be terminated and the land reinstated to port use within that time.
 - There should be a strong presumption *in favour* of safeguarding where there is at least a reasonable likelihood of restitution to significant operational use within fifteen years and where the alternative use in contemplation is one, such as residential development, which will be difficult to reverse.
 - However, judgement based on appraisal of costs and benefits should be exercised by decision-makers in the planning system on a case-by-case basis.
59. There may be circumstances – for example where the growth of the port is constrained by natural factors – that require the safeguarding of land remote from the port, and the Department is content that such safeguarding could take place where appropriate.
60. The master plan should set out and briefly justify the port's desired safeguarding strategy and the port should discuss this, as with other aspects of the master plan, with the relevant planning bodies. The master plan should note the extent to which the

⁸ In Wales, the relevant documents are the existing Wales Transport Strategy and the National Transport Plan.

⁹ As per Schedule 2, Part 17, Class B of the Town and Country Planning (General Permitted Development) Order 1995.

¹⁰ As stated in the Ports Policy Review Interim Report, July 2007, which can be found at www.dft.gov.uk/pgr/shippingports/ports/portspolicyreview/portspolicyreviewinterimreport

desired safeguarding is already reflected in regional and/or local planning documents; or is otherwise endorsed with a view to future inclusion.

61. An important consideration in any long-term development context is the risk of **blight**, whether statutory or non-statutory.
62. The master plan should avoid highly speculative or uncertain statements about aspirations for the expansion of port estate, or extension of environmentally intrusive activities within it, as such statements could easily cause unnecessary non-statutory blight. Where parcels of land are earmarked for development in the plan, this should represent seriously considered intentions for development.
63. This consideration should not, however, necessarily inhibit the port from setting forth proposals towards the end of the planning period which are dependent upon inevitably-uncertain forecasts. Provided that the proposals are clearly related to demand forecast scenarios and an assessment of alternatives, they are in principle appropriate for inclusion in a master plan.
64. The port needs to exercise its best judgement as to the balance of interest between bringing well-defined proposals to wider notice, and the risk of avoidably affecting property prices and/or causing anxiety.
65. Depending on timing, master plans should address, as far as is prudently possible, any proposals for compensation measures that may be required where the scale of impacts is such that they cannot adequately be mitigated. Where expansion beyond the existing port boundaries is contemplated, such measures might include voluntary purchase schemes and assistance with relocation costs where the extent of prospective property and land take is well defined. Non-statutory as well as statutory blight should be considered.

Commercial sensitivity

66. Ports are under no compulsion to disclose, in master plans, information which they regard as commercially confidential or sensitive. They should, however, ensure that what *is* in the plan is honest.
67. Sometimes, though, there is a temptation to regard whole swathes of information about market perceptions and intentions as sensitive, and not to be exposed to the gaze of competitors until absolutely necessary. Those preparing plans should pause to consider whether any commercial sensitivity considerations (going beyond unavoidable legal or moral commitments to third parties) really outweigh the benefits of open consultation from an early stage.
68. Where it *is* considered absolutely necessary to withhold information on confidentiality grounds, the port should consider whether some indication of that fact, together if possible with an account of the issue stripping out sensitive elements, could be given in the plan. This could help to avoid unnecessary surprises for stakeholders, or worse, accusations of bad faith, later on.

Inland access

69. The plan should describe the port's inland access routes and give an indication of the modal share of traffic passing through the port. It could usefully explain any measures undertaken to reduce the impact of traffic from the port on surrounding infrastructure, such as encouraging increased use of water or rail.
70. The plan should then outline the expected impact future growth intentions will have on inland access routes and consider potential solutions. These solutions should include

measures to reduce the impact of increased traffic, for example those that seek to increase the modal share of water and rail, as well as the identification of potential enhancement schemes. There should also be a consideration of potential solutions, including the provision of capacity within the port estate, for HGV storage in the event of delays at the port, i.e. to reduce the impact on nearby roads.

71. Ports in England may find the Department's Guidance on Transport Assessment¹¹ helpful in guiding the process of assessing transport impacts and potential solutions.
72. The plan cannot be expected to resolve all questions relating to scope of works, modal shares, demand management, developer funding and so on. These matters will require detailed discussion at project level. However, it should deal with the medium to long term outlook for the port's connectivity in the round, and the broad implications to be expected from growth and changing patterns of demand.
73. The Department has consulted on the funding of improvements to infrastructure for access to strategically significant developments¹². Ports may wish to take any outcomes from this consultation into consideration in their master plans since this will have implications for the funding of inland access enhancements.
74. A central part of developing the plan will be positive engagement with road and rail network providers, and with rail freight operators and hauliers. It is in the port's interest to ensure that the network providers are aware of expansion plans from the earliest possible stage. As a reference, DfT Circular 2/07¹³ sets out how early discussion with the Highways Agency, as the strategic road network authority, can help ensure that the network is developed as far as it can be to support the economic viability and sustainable growth of regions. Failure to engage in dialogue will not benefit the port. It will make it more difficult for the networks to plan resources ahead, and is likely ultimately to delay and increase the cost of works.
75. The network providers' own plans will be highly relevant — for example, the rail freight Route Utilisation Strategy, the Highways Agency's Major Scheme Programme and in due course the NPS for national networks¹⁴ (see 56 above).
76. The relevant regional planning body, the Regional Transport Board (or equivalent¹⁵) and Local Highway Authorities will also need to be involved in the process. This is because the direct links to most ports are of a regional nature, and the involvement of these bodies will ensure that Regional Strategies, Local Development Frameworks and Local Transport Plans reflect the work that is required. In England, as part of future Regional Funding Advice rounds, the regions will provide advice to the Secretary of State on how they expect to distribute funding for major schemes, integrated transport block and highways maintenance block across the region.

Coastal shipping connectivity

77. Wherever there is any reasonable prospect of facilitating coastal shipping as an option for a port's customers, capable of reducing or avoiding lorry movements, strategic

¹¹ www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta

¹² www.dft.gov.uk/consultations/closed/fundingtransportinfrastructure/

¹³ www.dft.gov.uk/pgr/regional/strategy/policy/circular207planningandstrategic

¹⁴ In Wales, the Wales Route Utilisation Strategy, Trunk Road Forward Programme, Wales Transport Strategy, and National Transport Plan.

¹⁵ In Wales, this would be the Regional Transport Consortium.

possibilities for doing so should be fully explored in the development of the plan. If a commercially feasible pathway to building 'critical mass' for such services can be found, the plan should incorporate provision accordingly. Regular flows of non-perishable commodities are the natural candidates.

Other social and economic impacts

78. The plan should normally include an assessment of the projected economic and social effects of port development. This might include, for example, employment and any regeneration benefits, as well as consideration of any negative effects of development, for example relating to any disruptive effect of HGV traffic on local communities.
79. However, care should be taken not to overstate wider benefits: estimates of such benefits should be firmly grounded on established research findings. Ports nowadays are capital-efficient undertakings and no longer employers of unskilled labour on a large scale. On the other hand, the assessment need not be limited to direct port employees — often, other undertakings both on and off the port estate will employ staff to service new development, and indirect employment generation may be relevant in some cases.
80. Guidance is available in the DfT WebTAG¹⁶. This covers a range of economic, social and environmental assessment tools, which planners may find useful in the master planning context. Its use is not mandatory for ports, but could help to reinforce the robustness of the evidence-base for the plan.
81. The plan should discuss any measures taken to ensure that leisure activities in the vicinity of the port are protected from the impacts of proposed developments.

Safety and security

82. Safety and security considerations should be referenced where relevant and disclosable, although it should not be necessary to discuss procedures in detail.
83. Where proposed development is likely, because of safety and security considerations, to affect public access to land and rights of way, the plan should set out any proposals for alternative roads, paths and/or access rights.

Environmental impacts

84. The plan should set out the expected environmental impacts of potential future developments, and should then outline (a) the mitigation measures intended to reduce these impacts and (b) any measures intended to offset the residual impact. It will typically not be possible to identify detailed mitigation or offsetting measures at master plan stage: this will be done in the light of the project-related Environmental Impact Assessment (EIA) prepared (in most cases) subsequently. This being so, the plan should describe the proposed environmental control measures in more general terms, and describe the work that is programmed to determine details and its timescale.
85. Where there is an intention to encourage the development of other activities such as logistics distribution hubs on the port estate, the environmental impacts of such development should be considered. It would be useful for the plan to set out the way in

¹⁶ www.dft.gov.uk/pgr/regional/ltp/major/transportanalysisguidancewebtag. In Wales, the Welsh Transport Planning and Appraisal Guidance (welTAG) should be used, which can be found at <http://new.wales.gov.uk/topics/transport/publications/weltag/?lang=en>

which environmental considerations will be incorporated within any such developments.

86. The plan may usefully include not only the port's plans to mitigate adverse environmental impact of new development, but also mitigation of the effects of everyday operations, and new measures specifically designed to improve the environment.
87. Environmental impacts will vary greatly depending on the port's situation and activities, and on the nature of proposed development. They may include:
 - habitats and biodiversity, including marine habitat;
 - water quality and pollution;
 - the impacts of capital and maintenance dredging on the sea and estuary floor;
 - contaminated land;
 - the impact on any National Parks in the locality;
 - 'local' air emissions;
 - 'global' air emissions;
 - noise;
 - light;
 - odour;
 - cultural and architectural heritage; and
 - landscape.
88. This is a purely illustrative list: not all aspects may be material to an individual port, and there may be other significant environmental issues in some instances.
89. The plan is not expected to go into the same degree of detail as would be necessary for an EIA. Where EIAs have already been prepared, they may be referred to, with hyperlinks as appropriate on the web version. Care should, however, be taken to avoid unbalancing the master plan itself with a morass of information which happens to have been prepared for the more immediate development proposals.

Habitats

90. Particular care is often needed when development is contemplated which may adversely affect *Natura 2000* sites or other nature conservation areas and European protected species in accordance with the Habitats Directive¹⁷. Some guidance on the application of the Habitats Directive may be found in the Department's *Project Appraisal Framework for Ports*¹⁸; the relevant excerpt can be found in **Annex B**.
91. As proposer, the port is responsible at the outset for ensuring that possible alternative means, within its control, of securing the objectives of development, have been

¹⁷ 92/43/EEC, implemented in England and Wales through The Conservation (Natural Habitats, &c.) Regulations 1994.

¹⁸ www.dft.gov.uk/consultations/archive/2002/afp/aprojectappraisalframeworkfo1102

considered and eliminated as demonstrably infeasible before any proposal interfering with a protected site is pursued further.

92. The master plan process presents a useful opportunity to test, in liaison with stakeholders, perceptions of what might constitute such alternatives, and whether or not they are in fact feasible. However, ultimately it will be for the planning decision-maker to determine, in the light of policy, whether or not alternatives have been sufficiently considered.
93. The plan may set out a case for 'imperative reasons of overriding public interest' (IROPI) in certain development proposals. In doing so, the ports NPS (once published) may be relevant. However, again, ultimately it will be for the planning decision-maker to determine, in the light of policy and the facts of the case, whether or not IROPI pertain.
94. Where the port believes that IROPI do pertain for a specific development, the master plan could usefully set out how the port would satisfy the compensatory requirements of the Habitats Directive. This should include the plan of work to identify and implement compensatory habitats.
95. In certain cases, the master plan may itself present an opportunity to coordinate the planned provision of compensatory habitat, subject to subsequent Appropriate Assessment, for a series of staged or discrete developments on various parts of the site. This could ultimately produce a more coherent and effective solution than a series of piecemeal measures. Care will be needed in such cases to ensure that the strategic approach conforms with the Directive's requirements. Early advice from the statutory advisers on protection of the natural environment should help to ensure compatibility.

Water pollution and the Water Framework Directive

96. The Water Framework Directive (WFD)¹⁹ has established a Euro-legislative programme for classification, standard-setting, risk-assessment and pollution control in coastal and inland waters. A series of River Basin Management Plans is to be consulted on in early 2009 and finalised by the end of 2009. A number of ports are represented on the various River Basin Management Liaison Panels advising on the development of the plans. Thereafter, a process entailing interim reports and six-yearly revisions to the River Basin Management Plans will be required.
97. The plan should take account of the emerging requirements of the WFD and its daughter legislation in so far as they are relevant to the port bearing in mind that the reasons for new port developments which will result in a failure to achieve good ecological status or potential are likely to be required to be included in the relevant River Basin Management Plan. Technical advice is available, for example through the UK Technical Advice Group.

'Local' emissions and 'cold-ironing'

98. A plan should describe how, up to the planning horizon, the port intends to contribute to efforts to tackle airborne emissions hazardous to human and other forms of life. These include sulphur and nitrogen oxides (SO_x and NO_x), carbon monoxide (CO), methane (CH₄) and other hydrocarbons, and generalized particulates (PM₁₀ and PM_{2.5}).

¹⁹ 2000/60/EC, implemented in England and Wales through the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (SI 2003/3242). Two further 'daughter Directives' are planned.

99. It should describe any currently applicable Air Quality Management Area (AQMA) monitoring arrangements, and any locations on or near the port where limit values are exceeded at present, or are liable to be if developments proceed. The plan may well be an appropriate place in which to examine the merits of requiring use of low sulphur fuels for powering auxiliary generators.
100. 'Cold-ironing' is the provision and use of shoreside electricity supply to replace ships' generators. It has the potential to produce environmental gains, particularly where emissions from ships are contributing significantly to local air quality problems. The ports policy review Interim Report stated that:
- "... we will in future expect newly developed terminals to make advance provision for 'cold-ironing' facilities. We will also expect major ports to formulate plans for introducing such facilities at existing terminals once a standard has been agreed."*
101. The Department recognizes that cold-ironing will not be appropriate in every case — it is unlikely to be so, for example, in the case of fast-turnaround ferries, at least for many years to come. Further work is required on the economics and environmental merits of shoreside power supplies in other cases. For example, costs may be increased significantly where there is a need to convert the power supply frequency from 50Hz to 60Hz for the ships calling regularly at the port. The master plan may nevertheless be an appropriate place for the port to take stock of the potential future applicability of cold-ironing in its particular circumstances, in the light of the latest information on the local emissions situation, technical compatibility, electricity generation mix and the overall economics.
102. Pending better knowledge there should be a presumption that ducting and other advance physical provision, including any enhancements to the capacity of the local electricity supply, will be made in planned new facilities, to take full advantage if benefits are eventually proven and to avoid expensive retro-adaptation if supra-national legislation comes to require this.

'Global' emissions, climate change and extreme weather events

103. The main 'global' emissions effects associated with ports will be attributable to ships and HGVs, and the policy responses to these at national and international level lie beyond the scope of an individual port master plan. Nevertheless, the plan should discuss any measures within the port's control which are proposed to reduce the relevant emissions. These may, for example, include the increased use of renewable energy to power shoreside facilities.
104. It would also be appropriate for a plan to set out the port's strategy for dealing with extreme weather events along with any assumptions made about prospective changes in the frequency of such events as part of a climatic trend.
105. The plan may appropriately include any intended investment in sea defences, whether incidental to commercial investment in the port itself, or in association with public authorities in the wider public interest.

Noise

106. The master plan is an opportunity for the port to examine its arrangements for minimisation and mitigation of noise from existing, as well as planned, activities. The port should look for opportunities to relocate the noisiest operations as far as possible from dwellings and from other noise-sensitive places. The noisiest activities should be subject to acoustic screening wherever expert advice shows this can be effective within reasonable cost.

107. New development should be planned according to the same principles, taking due account of planning guidance on noise²⁰.

Process

Legal considerations

108. Nothing in this document constitutes binding guidance and there is no requirement for a port to produce a master plan.
109. The Department cannot offer advice on the port's legal obligations. It follows that it is for each port to determine (for example) whether or not, in producing a master plan, it is affected by the requirements of the Strategic Environmental Assessment Directive²¹, The Habitats Directive, relevant aspects of the WFD, and whether and when an Environmental Impact Assessment may be required for any individual development proposal.

Stakeholder engagement

110. Engagement with interested parties including local and regional planning bodies and transport network providers, both during the master planning process and once the master plan has been published, will be an essential aspect of an effective master plan.

Pre-consultation

111. Before embarking upon formal consultation on a fully worked draft of the master plan, it will almost always be wise to engage in less formal dialogue with interested parties. From the outset, these should encompass all major categories of prospective respondent, potentially including shipping lines, hauliers, tenants, local amenity groups, local business associations and community groups, national NGOs, regulators, transport network providers, and of course regional and local planning bodies. Some ports already undertake such dialogue and consultation about existing operations as a matter of course, and in such cases it may be possible to lay the groundwork through existing channels, with no need for separate contacts.
112. Where there is military activity in the locality, ports should engage in early discussions with the relevant bodies to ensure that appropriate considerations are taken in to account during the development of the master plan.

Exposure draft

113. Consultation will usually be best focused by issuing a draft plan for discussion. Depending on resources, the port may find it useful to engage consultants for this task.
114. It is reasonable nowadays to assume that most consultees will have ready access to the Internet. Some will not, though, or if they have, they may not have a broadband connection; or they may simply prefer hard copies of such documents for ease of perusal. So paper copies should also be made available.

²⁰ The appropriate guidance is PPG/PPS24 in England and TAN11 in Wales.

²¹ 2001/42/EC, implemented in England and Wales through The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633).

115. There are no hard and fast rules as to length — much depends on the number and complexity of developments under consideration. The longer the plan has to be, however, the more important it will be to ensure that the content is clearly and logically laid out.

Main consultation

116. The object initially should be to undertake a single formal consultation process, although it may in some more complex cases prove necessary to undertake a two-stage consultation.
117. The main consultation should involve at least those groups highlighted as suitable for pre-consultation informal contact from the categories at 111 above.
118. In each consultation process, at least twelve weeks should be allowed for responses, and possibly longer where the consultation period encompasses public holidays or the main summer holiday period. This should allow sufficient time for responses allowing for absences and for committee cycles to run their course, to ensure that responses from consultees such as local authorities have sufficient consideration and weight.
119. Depending on the scale, immediacy and contentiousness of proposals, the port may find it useful to arrange one or more public exhibition or seminar events in order to stimulate discussion. Where there is an existing consultation forum, that could be used to help focus responses of those most intimately involved with the port. It is important, of course, to listen carefully to what consultees have to say and consider arguments on their merits; but almost as important to make it clear to them that it will be impossible to satisfy every representation made; and indeed that consultation is not a vote-counting exercise, and even a majority view will not always necessarily prevail.
120. Ports may find the Government's Code of Practice on Consultation²² useful in guiding the formal consultation process.

Publication

121. The master plan should be made readily available to interested parties, again both on paper and in web form. The version published on the port's website should be clearly flagged from the home page.

Follow-up work

Content review

122. The master plan should be a living document. Its underlying assumptions should be reviewed, in relation to the wider economic environment, the business plans of the port and its resident businesses and the success or otherwise of development aspirations.
123. Review milestones should be planned at the outset, in such a way that feedback from the findings will be available in time to inform the next renewal of the plan itself, which should take place roughly every five years. Exceptionally, a very significant change (for example, in the Local Development Framework or Local Transport Plan) might present a need to amend the plan before the scheduled review point.

²² www.berr.gov.uk/files/file47158.pdf. This Code of Practice is primarily intended for use by Government Departments but may be useful to ports nonetheless.

124. For example possible questions may be: has demand met your expectations? If it has turned out substantially higher or lower, why? Has the port lost market-share, or has overall market demand for your biggest import commodity dropped unexpectedly? Is this for structural reasons, or do you expect a recovery?
125. The answers may to some extent be subjective, but the process of review will help the port to decide whether the initial master plan strategy remains valid, or if a change of course is required. If the latter is true, it might be appropriate to renew the master plan in consultation with stakeholders.

Consultation review

126. In addition to regular review of the content of the plan, ports should also find it helpful to review the consultation process that was followed at the inception of the plan or at its previous review. Did people justifiably complain that they were not consulted, or that their views were disregarded? Conversely, were some parties who had no real interest in the matter consulted? Fine tuning may be indicated — but it is generally wise to err on the side of consulting too widely, rather than too narrowly.
127. Consulting on the master plan may also lead a port to review its practices for more routine consultation on the management and administration of the port. Is there an appetite for a regular consultative committee to discuss operational matters with port users, tenants, neighbours and others? Such a forum will be useful at any port where there is a demand for it; though sometimes other modes of consultation will be equally valid.
128. In reviewing consultation, it can be helpful to look not only at the formal consultative exercises undertaken, but also at informal dialogue. Was this used effectively to help shape options and explore how they could be presented most clearly to the interested parties? Again, lessons may be derived for future renewals of the plan.

Implementation review

129. Once one or more major element in the plan has been implemented, it may be appropriate to begin a review of its effectiveness. Were expectations realised, and if not did the plans adapt flexibly? Were interested parties kept informed?

Renewal

130. After a period of around five years, depending on development implementation timescales, it should be possible to assess the overall effectiveness of the master plan. Did it help to expose critical issues at an early stage? Were the planning processes expedited as a result? Were better environmental solutions achieved? If not, why not?
131. These are hypothetical questions and it may not be possible always to answer them definitively. But time should be set aside, preferably before a major renewal of the plan, to ensure that any lessons have been learned.
132. A port might conclude, after such a review, that the master plan should *not* be renewed. That could be a valid conclusion, in some circumstances. But the Department believes that, for the majority of major ports, master planning will continue to be a valuable process — for the ports themselves and for their stakeholders.

ANNEX A

Checklist for possible master plan contents

The following list represents a possible contents list for a master plan. In practice the nature and emphasis of contents should be tailored to local circumstances and priorities and we certainly would not expect every plan to conform to this pattern. However, it offers a checklist of core issues, and ports should be able to satisfy themselves and the public, if any item is to be omitted, that there is good reason for this.

1. Executive Summary
2. Introduction
3. Forecasts
4. Infrastructure proposals
5. Safeguarding, property and blight
6. Inland access
7. Coastal shipping connectivity
8. Social and economic impacts/regeneration
9. Safety and security
10. Environmental impacts: overview
11. Habitats
12. Water pollution, marine spatial planning and the Water Framework Directive
13. 'Local' emissions and 'cold ironing'
14. 'Global' emissions, climate change and extreme weather events
15. Noise
16. Next steps
17. Arrangements for later review and update
18. Summary of questions (in consultation draft)

ANNEX B

Excerpt from the Department's Project Appraisal Framework for Ports relating to the Habitats Directive

Identification of alternatives

3.9 The number and diversity of UK ports has important implications for the way in which appraisals of port projects are carried out. Promoters will have detailed information about alternatives within their control. Such alternatives might include different sites within the port area, different scales of development and different methods and designs of meeting the requirements of the project. The appraisal should explain how alternatives over which the developer has some control (including a do minimum) have been identified, and the basis of any preliminary sift if that has ruled out feasible alternatives. Alternatives should be drawn widely and appraisals based on reasoned and objective argument.

3.10 In identifying alternatives, promoters of port projects may wish to consider existing guidance issued by the European Commission, *Managing Natura 2000 Sites, The Provisions of Article 6 of the Habitats Directive 92/43/EEC*. Section 5.3.1 of that guidance is particularly relevant. The guidance suggests alternative locations, different scales or designs of development or alternative processes, as well as the zero or do minimum option.

3.11 Promoters are unlikely to have complete or fully accurate information about potential alternative developments which might be carried out by other promoters at new or existing sites. Commercial considerations may dictate that only limited information on the performance of potential alternatives on economic and detailed environmental criteria is available, although information on the general layout and characteristics of existing port areas is likely to be in the public domain.

3.12 Identification and appraisal of options in the control of the promoter should be carried out in some detail, using the methods described in [Section 4]. However, it is unrealistic to expect promoters to develop and appraise alternatives about which they have little detailed information, or which may be speculative or hypothetical. If other interested parties argue that developments outside the promoters control present (or could present) a viable alternative to the promoters own project, the promoter may wish to address these arguments on their merits, but on the basis of publicly available and verifiable information.

3.13 Given the diversity of port developments there can be no exhaustive statement of how to identify and appraise alternatives. However, one or more of the following considerations may be relevant to the identification of alternatives:

- Current and likely future maximum ship size for the types of shipping services that will serve the trades and cargo types being considered.
- Tidal and other navigation restrictions.
- Nature and scale of port infrastructure requirements and associated services.
- Surface access to main markets.
- Effects on designated areas (both marine/estuarial as well as terrestrial designations).
- Effects outside designated areas.

ANNEX B

- Suitability for water based leisure activities.

Do minimum

3.14 The description of a do minimum case would usually assume that no new investment is committed beyond that required to keep the port operation at its present level. It may also be reasonable to include investment that does not require official approval. Where appropriate the appraisal of the do minimum should include an estimation of traffic levels through the port and what would happen to current or future traffic that could not use the port because the development does not take place. Cargo might be diverted to other ports in the region, or the UK, or even abroad with consequences for inland distribution of varying levels of traffic at different ports. Passenger traffic may be diverted to other ports or other modes or not travel at all. Water based leisure activities may take place at other places or not at all.

Better use of existing transport infrastructure

3.15 Making the best use of transport infrastructure is one of the key objectives of the Governments transport policy. It is suggested that promoters should consider alternatives at sites they control that increase the productivity of existing quays, natural or dredged channels, operational land and buildings and landside links. Commercial pressures encourage port operators to use assets efficiently. But not all the costs and benefits of port development as they affect the wider public interest are necessarily directly reflected in costs and revenues to port operators, for example the use of sites within environmentally sensitive areas. Assessments should investigate the trade off between increased use of existing infrastructure, and other factors in the appraisal framework including the environment and safety. Comparisons of performance between ports handling similar cargoes and ships in the UK and overseas may be relevant, although there are many reasons why performance statistics differ.

Alternative sites at the port in question

3.16 In some cases, new port developments could take different forms at the same location, for example different sites within the port area, different capacities, different dredging options, different lay out of quays and buildings, different environmental mitigation measures or different types and lay outs of inland transport links. The degree to which these alternatives should or could be investigated depends on individual cases, but the promoter should have access to information on the topics discussed in [Section 4] that can be used as the basis for considering alternatives within their control.

Alternatives at other ports

3.17 Detailed information about the effects of possible, as yet undefined, new developments at different ports or sites is unlikely to be publicly available and assumptions may be contentious. The framework does not require promoters to make detailed comparisons of alternatives outside their control. However, at public inquiries or elsewhere discussions about alternatives at other ports may arise. This framework does not prohibit such debate. Promoters and objectors may want to make use of available information¹, but it is unlikely to be productive to engage in speculative argument based on unverifiable assumptions or hypotheses.

¹ Public sources of information might include port directories and web sites, reports, databases and GIS products, prepared by government, The Royal Society for the Protection of Birds, English Nature [now Natural England], the Strategic Rail Authority [the responsibilities of which are now within the Department for Transport], the Highways Agency, Ordnance Survey, port and transport consultants and others.

ANNEX B

Assessment of alternatives

3.18 It is suggested that appraisals of the do minimum, making better use of existing site, and alternative sites at the same port should assume that existing facilities at other ports remain at their current state. However, they should allow for projects that have the necessary official approvals, and assume they are built to the stated time and capacity. They may also include investment by the promoter at sites under his control where such investment would not require official approval. These identified alternatives will form the basis of the detailed appraisal described in [Section 4].