

## Draft National Policy Statement (NPS) for Ports

Department for Transport  
February 2010

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### Introduction

The Landscape Institute (LI) is an educational charity and chartered body responsible for protecting, conserving and enhancing the natural and built environment for the benefit of the public. It champions well-designed and well-managed urban and rural landscape. The LI's accreditation and professional procedures ensure that the designers, managers and scientists who make up the landscape architecture profession work to the highest standards. Its advocacy and education programmes promote the landscape architecture profession as one which focuses on design, environment and community in order to inspire great places where people want to live, work and visit.

The questions to which we have responded are detailed below:

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

The LI notes it is a market-led approach that is adopted in the draft NPS. A cumulative approach that considers the economic impacts of competition if more than one port is being considered at the same time, which can then be used for comparison purposes is important. Whilst those in the industry may know which other port applications are being made and/or where there are aspirations, it would be inappropriate if a decision is made on one, just because another (which could be a preferable location) has not yet submitted. The alternatives assessment therefore becomes very important and needs to be far-reaching.

The LI is unsure why in clause 2.6.5 the "substantial weight" to be attributed to positive economic impacts should be stated. This can be construed to give the decision maker a steer to consider positive economic impacts favourably over other positive and/or negative impacts.

The LI agrees that effects on competition (2.8.1) if port developments are occurring in parallel, will need to consider impacts on phasing of infrastructure, and that this should include green infrastructure.

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

Under the heading 'Climate change adaptation', recognition must be given not only to the need for sound planning and positive design for the proposed development, but also that this should be extended to include all relevant climate change adaptation measures. As noted in this paragraph, adaptation measures may give rise to additional impacts and clearly, visual and landscape considerations may figure highly within that spectrum. It will be very important to the acceptance of the schemes under consideration that:

- (a) landscape planning and design of all aspects should be of the highest standard; and
- (b) it should extend to all aspects of the proposal – primary, secondary and 'downstream' as part and parcel of an integrated approach. 'Downstream' impacts such as those related to, for example, security and secondary impacts such as those related to climate change adaptation measures should not be regarded as additional 'extras' or matters to be 'bolted on' at the end of the decision-making process.

The LI considers that areas to be developed for port facilities should aim to retain any existing green infrastructure that is beneficial in the mitigation of flood risk and the resilience of the site to the effects of flooding. Such features include, but are not limited to, natural ponds and wetlands, salt marshes and tidal mud flats, tidal basins that restrict fluvial and tidal water movement, natural tidal barriers and vegetation which helps to slow down or trap silt and prevent erosion of natural soil profiles in tidal zones. In many cases it may be necessary to bolster natural systems with man-made protection systems such as gabions or groins, geotextile

reinforcing systems or barriers in an effort to protect the natural landscape from the increased wash and water turbulence from shipping activities.

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

We consider the health impacts need to be cross-referenced better with the other social impacts. This is covered more fully in our response to question 8. With regards to security, as we have stated elsewhere, it is important that the security measures proposed are considered fully in the visual assessment and proposals are included in information presented to design review panels.

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

No, as we have stated elsewhere, (question 8, below), we find the way the draft NPS sets out the social aspects needs restructuring to ensure applicants provide a cohesive assessment, not separated out into parts. Social networks are a part of the impacts on the local population. In some cases they can be enhanced by development.

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

Overall we find the way in which the social impacts have been handled in the draft NPS to be quite confusing. Firstly, health impacts are considered in the early section (2.5). The last section (2.25) on social impacts in fact only covers open space, green infrastructure and recreation. The question relating to human impacts refers to the European Environmental Impact Assessment Directive's requirement to take on board effects on human beings, including health, and the interactions between all other areas covered in the Environmental Statement. 2.10.2 states it would be "helpful" for the applicant to set out the likely significant social and economic effects and mentions social cohesion and community wellbeing. The LI considers this an essential piece of information and related information should be requested from the applicant.

The reason we make this point is that, in order to make the assessment as clear as possible for the decision-makers, it is crucial that the effects are described in a way which does not separate out effects, but makes a holistic assessment. Therefore we feel there is scope to re-order the NPS to ensure that social impacts and the impacts on the local population are clearly spelt out. This will require cross-referencing from other sections, such as the environmental effects.

While 2.10.5 makes the point about the need to consider the accumulation of and interrelationship between impacts' affect on economy and community but it is also for the applicant to be required to make this clear.

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

**Landscape and visual**

The LI welcomes the explanations in Section 2.23 that sets out the framework for landscape and visual assessment in a comprehensive way.

The LI welcomes and endorses the NPS's recognition that landscape should be understood as embracing seascape and townscape where relevant. The LI also welcomes reference to the need to consider light pollution and negative effects on tranquillity. In these regards it is important to cross reference this with the biodiversity section of the assessment as well as the visual assessment. This seems to be recognised in some places and not in others.

'Landscape' is a holistic concept which extends to and embraces a number of subjects which have traditionally been regarded as separate and discrete such as nature conservation, ecology, cultural heritage. We believe strongly that in separating the environment into a number of defined components, that applicants need to be

made aware that it is extremely important that the linkages between these are also included within their assessments. In this regard, please also see our comments in response to question 23, where we have identified more interconnection in the Appraisal of Sustainability (AoS) than currently included in table 2.

The LI encourages the DfT to stress the importance of sound, up to date, baseline information. In the landscape and visual sphere this must include consideration not only of published character assessments but also whether they cover the relevant areas potentially affected and, if they do, whether they are still relevant. Applicants must be encouraged to accept that new or refreshed landscape character assessments may sometimes be necessary if proper consideration is to be given to the potential effects of port proposals and their related downstream and secondary infrastructure.

Under guidance for the decision-maker, the LI encourages the DfT to ask for evidence of the way in which the visual and landscape character assessment has influenced the design as this should be part of an iterative process. As stated earlier under question 4, it is also important that the 'downstream' impacts are also considered in the visual and landscape assessment process.

It needs to be recognised that opportunities to undertake effective mitigation at a distance from the development can only be undertaken by agreement with landowners. Decision makers will need to satisfy themselves that every effort would be made to secure effective mitigation through the means available to the developer.

The LI considers this assessment process should not only consider the final restoration phase, but should take account of the phasing of development, and the length to which detrimental impacts will remain un-mitigated. Phasing sequences can form part of the mitigation (ensuring views from the most sensitive receptors are screened/restored first) and the decision-maker should take account of this.

The LI recommends that in considering development proposed within nationally designated areas (2.23.7 – 2.23.9) the DfT should require applicants to consider other detrimental environmental effects, such as those relating to views, noise, air pollution and biodiversity and the extent to which they can be moderated in addition to the visual effects of any such moderations. At present this requirement to consider any detrimental effect on the environment is stated, but under the landscape impact section. Cross referencing to other sections would suffice.

The LI would like to see greater clarity on the need for decision-makers to have regard to the effects on nationally designated areas from developments outside them (2.23.10), which might affect the nationally designated areas and/or their settings. For example the effect on views from nationally designated areas, and especially where sensitive receptors have been identified.

The LI welcomes the reference to the European Landscape Convention (ELC) within the draft NPS, but would like to see a greater explanation of its relevance and significance. We consider that the draft NPS should include the definition of landscape as set out in the ELC. This states that landscape is "...an area, as perceived by people, whose character is the result of the action and interaction of human and/or natural factors".

### **Coastal change**

Under the Coastal Change section there needs to be cross-reference to the section on Landscape and Visual Amenity, and the importance of seascape needs to be highlighted alongside landscape considerations in both sections. For example, the direct and indirect impacts on the coastline (2.16.3 and 2.16.4) may also include seascape and landscape impacts. The applicant will need to assess the seascape/landscape and visual impacts of coastal change. There needs to be awareness of, and reference to, the Defra publication *Our Seas – a shared resource High level marine objectives* <http://www.defra.gov.uk/environment/marine/documents/ourseas-2009update.pdf>.

The importance of seascapes and seascape character must be reflected in the NPS for Ports. Another document that the authors might find useful (albeit it was written to inform the seascape and visual impact assessment of offshore wind farms) is the Dtl's *Guidance on the Assessment of the Impact of Offshore Wind Farms: Seascape and Visual Impact Report* (2005) <http://www.berr.gov.uk/files/file22852.pdf>

These assessments will need to be informed by strategic scenario planning for coastal change as set out in *Facing up to Rising Sea Levels: Retreat? Defend? Attack? The future of our coastal and estuarine cities*, ICE, to be published in February 2010.

Within the paragraph dealing with *Developments in Other Areas* (2.23.11), Heritage Coasts need to be mentioned. Whilst the majority of Heritage Coasts are within the boundaries of National Parks and Areas of Outstanding National Beauty some Heritage Coasts are outside these nationally designated landscapes. Recent Government initiatives on coastal access and the marine environment focus attention on England's non-statutory 'Heritage Coast' definition. Reference should be made to the Marine and Coastal Access Act.

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

n/a

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

As with all the NPSs, this section needs to be kept up to date with any changes to PPS15 and measures need to be in place to ensure that the final NPS reflects the final published PPS, expected Spring 2010.

The reference to 'canals' is welcome, but it should be noted that other NPSs do not include them in the historic environment definition (2.24.2).

It is not just damage from disposal of dredged material, but also the action of dredging itself that can have an impact. This appears to have been overlooked (2.24.8).

Reference should be made to Historic Seascape Character.

The AoS has identified a number of issues relating to the historic environment (p 118) that we consider the NPS needs to pick up:

- Reference to capital or maintenance dredging and its potential negative impact on underwater historic assets should be included;
- Potential negative impacts on the historic environment arising from traffic increase, especially on the inland connections to ports should be addressed;
- Possible mitigation measures to alleviate negative impacts on the historic environment should be included; and
- Heritage assets of local or regional significance and the need to minimise any negative effects on them should be considered on the NPS.
- In addition, the recommendation to recognise military remains is still outstanding.

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

The LI considers the key considerations as described in section 2.1 tend to emphasise some considerations over others. Whilst it is acknowledged that the first bullet point that covers everything under UK and EU legislation is a catch-all, the following comments cover some already contained within that over-riding point and do not cover others. The LI points out that whilst the environmental performance of the port is mentioned, the environmental condition of the surroundings and the effects on the landscape are not.

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

In impact assessment methodology, the word 'significant' has meaning in terms of how those impacts have been assessed. It is not clear if *significant* in 2.2.4 means as assessed. This should be clarified.

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

A main concern the LI has is how the market-led approach advocated will ensure cumulative impacts over a wide area such as a sub-region or region will be picked up and included. Concerning cumulative impacts, it should be stressed that these relate not only to projects within the same generic category or with regard to 'downstream' aspects, but also to other consented or proposed projects in the vicinity.

It is not clear how development that falls within another NPS sector, but is located within a port development area, would be addressed. For example, a port might be a very suitable area for energy production (wind turbines, hydro etc). Which NPS would be followed? How would cumulative effects of more than one infrastructure type be addressed? Decision-makers will need advice on this as will applicants.

The LI considers there is a need to ensure that any potential port development considers the wider issues associated with sea level rises and relevant scenario planning that is going on in the specific area and wider environs. *Facing up to Rising Sea Levels: Retreat? Defend? Attack? The future of our coastal and estuarine cities*, ICE, to be published February 2010 in which some of our members have been involved shows the extent to which this might affect the future of an area. This strategic visioning for climate change and the likely associated projects will need to be included in any cumulative assessment.

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

Yes.

**Q18: It is a requirement of the Planning Act that the Secretary of State must have regard to the desirability of achieving good design. Do you think that the draft ports NPS fulfils this requirement?**

The LI welcomes the recognition of the desirability for achieving good design. The LI would like to see that requirement of the Planning Act embedded in the introductory points for the NPS and reiterated in the section on mitigation of visual impact (2.23.16 - 2.23.17).

The LI encourages the DfT to emphasise that decision-makers shall also take due account of the advice and recommendations given by CABE's and Design Council For Wales (DCFW)'s respective design review services. Applicants should be required in the NPS to contact the relevant design review body as early as possible in the design process, to take on board the comments from the panels and to anticipate return visits to present to the design review panels at key stages of the port's design development. Good practice in this regard is set out in CABE, LI, RIBA, RTPI (2009) *Design review: principles and practice* <http://www.cabe.org.uk/publications/design-review-principles-and-practice>

The LI fully endorses all references to the need for good design to be at the heart of the process. However, we would encourage the DfT to ensure that the process extends not only to the construction and operational stages but also to ultimate decommissioning stages, where appropriate. We wish to encourage the DfT to regard and make fully explicit the fact that cumulative considerations extend not only to other proposals of a similar nature in the vicinity, but to include both 'downstream' requirements, for example, security measures, and secondary requirements such as climate adaptation measures so that all aspects of a proposal's effects are considered.

As we have stated earlier, we do wish to emphasise the importance of adopting an iterative process for design development that involves initial landscape character and visual assessment, which considers modifications and mitigation as the design evolves and then reassesses. The mitigation can be quite wide ranging, and must consider such issues as phasing of development, off-site screening, orientation, massing and colour.

It is also important that the functionality of the landscape proposals is considered, with a predilection for multi-functionality where possible and that there is an integrated design approach to buildings, engineering infrastructure and landscape (including the coast and any water courses).

The scale of a port development is likely to be such that design of the layout and massing will be important in the mitigation of visual impact and in the design quality of the port. Small scale landscape interventions, such as tree and shrub planting are unlikely to be able to play a significant role in mitigation of landscape and visual impacts, which is why it is imperative that the visual assessment process is used as a tool to inform the design and could prompt fundamental changes to e.g. layout, height, massing etc, rather than mitigation by screening.

This is also why the visual quality is a crucial part of the sustainability appraisal, currently overlooked (see response to question 23).

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

See comments below in questions 22-25.

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

It is important that this is updated with reference to new and emerging plans, policies and programmes prior to issue of the NPS. The LI is aware that PPS17 in its draft form is due out soon, and will have relevance, as we understand it will take a more strategic and green infrastructure approach.

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

It would be more relevant to refer to baseline comments on coastal light pollution, rather than urban and rural. (page 37). There must be more relevant baseline information on flooding than the number of people living in flood risk areas.

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

Visual quality is a sustainability issue and differs from the landscape and seascape issues as described. It should be included.

One of the key issues affecting landscape and seascape noted is the importance of good design and its relevance to landscape and seascape issues (P53). This point ought to be replicated in the subsequent section on the historic environment.

We consider the interrelationships have not been fully identified in Table 2, Pages 66-69. We consider the following should be added.

AoS key sustainability issues	Related key sustainability issues
2. Greenhouse gas emissions	Add 11. Landscape and seascape, 27. Visual (new)
3. Climatic factors and adaptation	Add 11. Landscape and seascape, 27 Visual (new)
6. Water resources	Add 11. Landscape and seascape
8. Biodiversity	Add 12. Light
11. Landscape and Seascape	Add 2. Greenhouse gas emissions, 3. Climatic factors and adaptation, 9. Soil and Land resources, 27. Visual (new)
12. Light	Add 8. Biodiversity, 27 Visual (new)
14. Historic Environment	Add 11. Landscape and seascape, 27 Visual (new)
26. security	Add 11. Landscape and seascape, 27 Visual (new)
27 Visual (new one add in)	Add 3. Climatic factors and adaptation, 11. Landscape and seascape, 12. Light, 26. security

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

There needs to be an objective which encourages high quality design, which is a response to visual impact as a key issue. Visual impact is currently not included.

The landscape objective “To preserve, protect and, where possible, improve landscape and seascape, whilst making it more accessible”, would be better if it were worded “To preserve, protect and, where possible, improve landscape and seascape, whilst making it more accessible, where appropriate”. This is because there may be situations, where increased access is inappropriate for either security or habitat protection reasons.

The AoS objectives omit reference to the historic environment.

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

The first point we would make is that no incompatibilities are identified. There are not even any “uncertain over compatibility” identified (Figure 3). The LI finds it surprising that all objectives are compatible or have no relationship.

The AoS objectives miss reference to the need for high quality design. The LI considers this should be rectified. Industrial and large scale features have the potential to add drama and interest to the landscape character and also in places can improve the visual quality if they are replacing rundown dilapidated buildings and infrastructure. It is not unreasonable to expect attention to the visual and design elements within any new port development. The main NPS does recognise the need to have regard to the desirability of achieving good design, but as we have stated in Q18 above, we consider it could be further embedded in the NPS.

The AoS objectives omit reference to the historic environment. This means any potential incompatibilities have not been considered. The LI considers this should be rectified.

The AoS has identified a number of issues relating to the historic environment that the NPS needs to pick up, namely:

- Reference to capital or maintenance dredging and its potential negative impact on underwater historic assets should be included;
- Potential negative impacts on the historic environment arising from traffic increase, especially on the inland connections to ports should be addressed;
- Possible mitigation measures to alleviate negative impacts on the historic environment should be included; and
- Heritage assets of local or regional significance and the need to minimise any negative effects on them should be considered on the NPS.
- In addition, the recommendation to recognise military remains is still outstanding.

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

It is not clear how the NPS has responded to the comment which is found on page 170 of the AoS which states that the NPS “Should add achieving UK’s commitments to all landscapes through the European Landscape Convention”.

The Landscape Institute would like to thank the Department for Transport for the opportunity to contribute to the draft National Policy Statement for Ports. For any queries relating to this response, or for future consultations, please contact:

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