

Transport Committee

Oral evidence: [National Policy Statement on Ports](#),
HC 1028

Wednesday 10 September 2025

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Members present: Ruth Cadbury (Chair); Steff Aquarone; Dr Scott Arthur; Mrs Elsie Blundell; Olly Glover; Alex Mayer; Baggy Shanker; Laurence Turner.

Questions 1–59

Witnesses

I: Cathy Hall, Senior Masterplanner, UK Major Ports Group; Stephanie Kenyon, Director of External Affairs, UK Chamber of Shipping; Robbie Owen, Head of Infrastructure Planning, Pinsent Masons; and Mark Simmonds, Director of Policy, British Ports Association.

Written evidence from witnesses:

- [UK Major Ports Group](#)
- [UK Chamber of Shipping](#)
- [National Infrastructure Planning Association](#)
- [British Ports Association](#)

Examination of witnesses

Witnesses: Cathy Hall, Stephanie Kenyon, Robbie Owen and Mark Simmonds.

Q1 Chair: Welcome to this morning's evidence session of the Transport Committee. It is an oral session on the Government's proposals for a revised national policy statement for ports. During the session we are going to hear from representatives of the maritime sector. We will be particularly drilling down into the details of the proposals and considering to what extent they might set a clear, long-term direction for the development of ports in England and Milford Haven.

For the avoidance of doubt, during this session any reference we make to the NPS can be assumed to be about the draft revised version of the national policy statement on ports. This is part one of a two-part evidence session. The ministerial session, which was to have followed immediately this morning, will now happen next Tuesday, 16 September, at 4 pm.

Would the panel introduce themselves?

Mark Simmonds: Good morning. Thank you for the opportunity to give evidence today. My name is Mark Simmonds. I am the director of policy at the British Ports Association. We are the trade association that represents almost every port in the UK.

Stephanie Kenyon: I am Stephanie Kenyon. Thank you very much for the opportunity to give evidence today. I am the director of external affairs at the UK Chamber of Shipping. We are the trade association that represents the UK shipping industry as a voice for over 200 members across the sector.

Cathy Hall: Hi. My name is Cathy Hall. I am a masterplanner at Associated British Ports. I am here on behalf of UKMPG, of which Associated British Ports is one of nine members. Thank you very much for the opportunity to speak today.

Robbie Owen: Good morning. I am Robbie Owen. I am a director of NIPA, the National Infrastructure Planning Association, and also its board secretary.

Q2 Chair: I welcome you all to the session. In the opening question we will go in the same order that you have all just introduced yourselves. Do you think that the revised ports NPS provides a clear, long-term direction for ports development policy?

Mark Simmonds: Broadly, yes. We have been asking for the NPS to be updated for a few years now. We are pleased that the Government have finally got to it. Broadly, we welcome the statement on the need for substantial new port capacity in the UK. We broadly welcome what is an improvement on the previous statement. It acknowledges that the sector is market-led, and sets out the basis for a permissive planning framework going forward.



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One thing we note is that this is a relatively small part of the planning framework and applies only to large projects, which are a relatively small amount of overall port development. There is more that needs to be done more widely to improve the planning system, both terrestrially and for the marine planning system for ports in England.

Stephanie Kenyon: I concur with Mark, broadly. In the shipping industry our customers are UK ports, and therefore we reflect the perspective of the end users in the UK and globally today. We welcome the revised statement and, similarly, the shift in the presumption in favour of granting consent for applications and the market-led approach indicated in the policy statement.

We believe that the revised statement could have benefited from adopting a more holistic approach to the maritime sector as a whole, in recognition of the fundamental and symbiotic nature of the shipping industry and the ports industry overall. There are areas that perhaps we may come on to in further detail around accelerating the green transition, providing certainty and stability in the regulatory framework and supporting growth and competitiveness across the maritime sector that perhaps could be enhanced.

Q3 **Chair:** You said that you feel some parts of the shipping sector have been left out. Which parts?

Stephanie Kenyon: It is less that parts have been left out but more that there could be a holistic approach to the supply chain and the interaction between the policy statement and others.

Cathy Hall: I broadly agree with Mark and Stef. We welcome the updated version. It is good to see that the presumption in favour of port development is retained and the commercial-led approach to the need for investment in ports.

One of the areas where we would say there is an opportunity, though, is that this is probably the key planning policy document that relates to ports. While there is a lot in it that relates to how large infrastructure applications will be considered, there is a big opportunity for the ports NPS to pick up on other cues in the wider planning policy framework, which is about it being a material consideration both in town and country planning applications and in policymaking. To that end—we will probably come to more detail—it is things like cross-referencing the industrial strategy and the foundational role of ports and making that abundantly clear to the wider sector who are not dealing with ports day in, day out. It is about giving them the hook to take that forward in decision making and policymaking.

Robbie Owen: I broadly agree with those statements and welcome the update from the 2012 version. There are a number of respects where it could go further and would be more welcome.



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First, in relation to supporting the full extent of low-carbon infrastructure referred to in the energy NPSes, I am particularly thinking of the role of ports in sustainable aviation fuels and carbon capture and storage, which the revised draft does not recognise. Secondly, in relation to protecting ports from other development, the NPS could go further. We have had a number of development consent order applications over the last few years, not for port development but for development that was felt could harm ports. The national policy statement could say quite a lot there about the need for other nationally significant infrastructure projects not to harm existing port operations and, importantly, their growth potential.

There is the application of the NPS to what are called section 35 projects. Those are projects that are brought into the NSIPs regime by direction given by the Secretary of State. The draft is strangely ambivalent or uncertain about the extent to which the NPS should apply to those projects as well as automatic NSIPs. We think there is every reason, as with the energy NPSes, to say very clearly that if a project is brought within the Planning Act regime by a section 35 direction, then the NPS should apply to it in full, in the same way that the NPS, as was just mentioned, says it is a very relevant consideration to non-Planning Act cases—Town and Country Planning Act decisions.

The final point is that, in terms of the presumption of development which has just been referred to, the NPS is a little contradictory in what it says about alternatives and the extent to which they can be taken into account by decision makers and by the Secretary of State. It is important that this is crystal clear, otherwise experience from DCO examinations tells us that it can be a cause of all sorts of debate, which can take time and can lead to legal uncertainty and encourage judicial review of decisions. With those qualifications and additions, I think it is a good document but could go a little bit further.

Chair: Thank you all very much. I am sure we will get on to more detailed concerns and questions on each of those issues. If we don't, I will give you a chance to pick them up at the end or to send something in writing.

Q4 Olly Glover: You have covered some of this in your answers so far, but in which areas do you think the changes from the 2012 version of the national policy statement are most significant? Equally, what issues has it left unaddressed?

Mark Simmonds: Probably the most significant change that we picked up was a shift in tone from the 2012 statement. Previously, excess capacity in the ports sector had been seen as a likely by-product of a fairly permissive system, whereas now it seems to be an explicit policy aim in itself. The Government are targeting extra capacity in ports in order to stimulate more competition and innovation as well as bringing down prices and other benefits that can accompany that. That is probably the biggest shift for us.



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I wholeheartedly agree with what Robbie and other colleagues have just said about where it needs to go further around protections for ports from other development that can often stray into port areas and threaten port activity. That can be contradictory, and sometimes that port activity is also needed to support activity, particularly around offshore energy. Again, we look enviously at the energy policy statements and some of the language there, particularly as, since this statement was developed, ports have been designated as a foundational sector by the industrial strategy. We are pleased that it welcomes the critical nature of the industry, but we think it should be reflected in the policy statement with stronger language, mirroring that in the energy policy statements.

Stephanie Kenyon: I agree with Mark about the welcome improvement on 2012 and the positive shift towards language around port development and the market-led approach. There is also a specific mention of the consideration of it spanning non-cargo segments, looking into passenger transport, cruise and ferry, and the offshore sector. However, this is one of the areas where we feel it could go further in recognising the importance, both economically and for communities around ports, and for our members as representative of those sectors.

There is a broader piece, as mentioned, around how it connects both with the industrial strategy and other policy statements that I think could be enhanced. There is also the long-term constructive approach. Shipping operators will make decisions based on UK-wide supply and demand dynamics. Where there is intention but lack of clarity, it may impact those decisions over the long term and impact the UK's competitiveness in those areas. The interconnectedness of ports and shipping could be further recognised in it.

Focusing particularly on the offshore section, as mentioned, there is the connection between the energy policy statements and the entirety of the supply chain. It is how the ports and the vessels that operate in the offshore renewable sector are connected together and treated as national priorities in all the policy statements, rather than just in the energy policy statement.

Cathy Hall: I agree with a lot of those points. In the most significant changes, I guess 13 years is quite a long time in policymaking. Quite a lot of the changes were probably process-focused, catching up with other legislation around things like biodiversity. It is helpful to have that in one place. I sound a note of caution about not repeating too much or duplicating. Where there is duplication, it risks confusion by potentially saying something slightly different. As we know, policy can change quite quickly, so the minute it is up to date it will be out of date tomorrow. There is a balance to strike.

Picking up on the point about introducing offshore wind, of course we welcome the words in the statement about the important role that ports play. I guess there are more hubs enabling floating offshore wind in



particular, and the continuing roll-out of fixed bottom. Other sectors that are coming in and still very much emerging are reliant on other areas of policy for support. Robbie mentioned sustainable aviation fuel earlier. There are obviously various hydrogen vectors to think about as well. That is where, for the last few years, the policy statement being behind has perhaps been helpful.

There was a bit of ambiguity in not being quite certain where the market was going. The caution I would sound is that the freight forecasts that have been published alongside the ports NPS imply a degree of certainty about what might happen going forward and the fact that those emerging sectors are not absent. It is a challenge for the NPS to get the right balance between giving decision makers enough information to have certainty about what might be coming, versus maintaining flexibility so that ports can be agile in responding to market demands.

Robbie Owen: The key point, building on what I said earlier, is that we have to recognise the role of this national policy statement, which is to inform development, assessment and decision making in nationally significant infrastructure projects. Nevertheless, it could do more in saying to what extent the NPS is a material consideration in relation to other planning decisions in the planning system, such as the Marine Management Organisation, marine licensing and planning applications decided by local planning authorities. The wording there is not as strong as I would like. I would like to see the magic words “material consideration”, namely, that the NPS is a material consideration in relation to decision making in those other planning regimes. That is fully in accordance with paragraph 5 of the national planning policy framework, which says in general terms that NPSes are relevant to other planning regimes. I think this revised draft NPS does not fully pick up on that. That is an important point.

It is important when national policy statements are reviewed and amended that they learn the lessons of how they have fared at the coalface in previous decisions relevant to the NPS concerned. We have had four or five applications for development consent orders for port schemes since 2012. It is not entirely clear to me that the revised draft NPS learns all of those lessons, particularly in relation to the treatment of alternatives and making crystal clear the extent to which alternatives are relevant beyond where they have to be considered as a matter of law.

Finally, there are some topical issues at the moment in the planning world, which we may talk about, specifically relating to good design and the indirect effects of development in relation to carbon and greenhouse gas emissions. In that respect, the draft, certainly in relation to greenhouse gas emissions, is not legally correct. This is a critical issue at the moment for all sorts of obvious reasons and produces a lot of discussion in DCO examinations. The NPS needs to reflect the current treatment of greenhouse gas emissions in the planning system that it does not.



Q5 **Olly Glover:** Sticking with that theme, the Government feel that the general direction of policy in the NPS remains the same but there is a greater emphasis on growth and clean energy. Do you all agree with that? If you do, what are the implications for the sector?

Mark Simmonds: Broadly, I agree with it. As I think we have all said, it is broadly a good piece of work and builds on the previous statement. In terms of what it means for the sector, the ports sector is thriving. It is successful. In large part that is thanks to 30 or 40 years of stable Government policy that has created a rather unusual ports sector in this country compared with other countries. It is market-led. It is entirely independent of Government in its decision making, funding and financing. The statement supports that commercial market-led development process and re-emphasises that Government do not have a role in saying that a port should be here, doing that and not here and so on, which is what we wanted to hear.

We expect significant growth in certain areas for ports in the near and medium term, particularly around non-freight sectors, as Cathy mentioned, like offshore wind and other energy sectors, as well as cruise and others. We expect steady growth in most cargo markets as well. In that respect, the statement supports what we are going to need, which is more capacity right now, and in the medium and longer term as well. In that respect it is positive, notwithstanding that we are all broadly in agreement on the panel about the broad areas where it might need improvement and might need to go further.

Stephanie Kenyon: I agree with Mark. The emphasis is in the right direction. The areas of challenge, and where perhaps the policy statement could be enhanced and improved going forward, are recognising the fluidity of demand and, as Cathy mentioned, the freight projections being treated as indicative rather than predictive when that is taken into implementation. Overall, the statement is on growth and a clean energy transition. There is a question of how that is transitioned and implemented into reality.

From our perspective as the shipping industry, we feel that for the NPS to be most effective it would recognise the additional need for port capacity to propel activity in the shipping sector, which will in turn drive economic growth and enhance trade. We have a report being issued next week, which I will share with the Committee, showing the UK ranked on a competitive index against other maritime nations. We perform eighth in that measure, around logistics, essentially, which is based on how networks are supported by efficient logistics systems and where ports are a significant component of that. There are areas where we could enhance the overall logistics network picture through the NPS that would perhaps enhance growth and development.

On the clean energy piece, it is recognising that the ports have specific planning frameworks from a demand side, from the shipping sector. We feel that the NPS, in further supporting the net zero transition, could



focus further on port infrastructure in terms of shoreside electrical supply and sufficient grid capacity for ports, which I am sure we will come on to in more detail, including the potential, as Cathy mentioned, for shore-based floating nuclear and carbon capture. There is also the infrastructure around alternative fuels. Robbie mentioned SAF, but it is also about looking at the whole mix of alternative fuels, which will be further explored in the context of the maritime decarbonisation strategy by the Government.

For the shipping industry it is about ports having the ability to adapt to the market in alternative fuels, as it develops. Slightly tangential to the NPS within that is the broader regulatory framework about the safety of transit and handling of those fuels, in which the shipping and ports sector will all have a strong stake and emphasis, in order to allow the market to develop safely and productively over time. I am sure we will come to the shore power and greater capacity piece as well.

Cathy Hall: I won't repeat things, because I agree with a lot of what has been said. I want to pick up one point that Stef made about the ports' wider connections. Well-connected ports in the UK economy are critical for us. Once cargo or people have come in, it is how they then leave the port. It is seeing ports as part of the wider UK transport system. A lot of the focus on decarbonising transport has been towards domestic rather than freight. It is the join-up in how, once goods are at the port, they then leave it, so an infrastructure is needed, whether that be rail or road. On the roads side of things, as much as anything, it is the alternative fuels mix within that as well, for decarbonising freight. I broadly agree that it is supportive of growth and clean energy.

The only other thing I echo is on the role of the passenger. Ferries and cruises are drivers of economic growth, and potentially require an infrastructure investment.

Q6 **Chair:** Cathy, could you clarify? Are you saying that the draft NPS is too weak on the land transport element?

Cathy Hall: I guess there is consideration for decision makers in terms of looking at modal shift and how that might work. This is probably a good example of where the NPS could play a role in helping other policymakers join up those things. There is reference to the integrated transport strategy that will be coming out. Quite often ports are at the end of the road. It is that literal change—the gateways in and out.

Q7 **Chair:** To be clear, are you saying that the opportunity is there, but it could be emphasised a little bit more?

Cathy Hall: Yes.

Chair: Thank you.

Q8 **Olly Glover:** Robbie, do you have any thoughts to add to those of your colleagues?



Robbie Owen: It is important to look at port growth and capacity in two different contexts. Context one is for port projects promoted by ports themselves, and whether or not they are automatic NSIPs and therefore have to go through the DCO regime. That is what I said earlier about making sure that this NPS applies to the non-automatic NSIPs—what we call the section 35 cases—and equally why it is important for the NPS to be clear that it is very much a material consideration in relation to Town and Country Planning Act applications and marine licences. There is that point.

On the port development side, of course nowadays we see an increasing number of mixed projects—if I can call them that—going through the NSIPs system, to which a variety of NPSes will apply. Therefore, it is perfectly conceivable in relation to an energy project that this NPS could be relevant to the consideration of that as well as the energy NPS. I think this revised NPS should be clearer as to how it applies in those sorts of circumstances.

On the other side of the coin, which takes us back to what I was saying earlier about protecting ports from both adverse nationally significant projects and adverse local, non-DCO projects, there is very little in the NPS about that. It is important that that is rectified. We have had a number of cases, not just recently with the Lower Thames Crossing but with a proposed large offshore wind farm extension, which was very concerning to ports utilising the Thames estuary. This is a real situation where projects in the past have threatened ports not just in terms of existing operations but in their growth potential. In our view, the NPS needs to cover that as well.

Q9 **Laurence Turner:** A number of the organisations that submitted written evidence raised the Department's freight demand forecasts, which Stephanie said needed to be treated as indicative and not predictive. Taking the old maxim that all models are wrong, but some models are useful as a starting point, to what extent do you think that the forecasts are realistic and useful?

Mark Simmonds: They are useful in that, as we said in our written submission, we would like to see them treated as context and not, as others have said, used any more strongly than that. They are useful in that they set out the broad direction of travel for cargo and freight volumes. It is obviously difficult to predict. They have used a slightly more simplistic model this time. We hope that is to reflect the fact that they are directionally useful and tell planners that we are going to need more port capacity to handle growing volumes.

The drawbacks are that they are freight forecasts, so they obviously don't cover non-freight activity, which is probably the biggest area of growth for the sector as a whole—offshore energy and passengers on cruises, for example. As Cathy mentioned earlier, they don't cover emerging markets. If the UK becomes a leading player in the transport and storage



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of CO₂, for example, there could be huge volumes of cargo coming through UK ports.

Finally, the other reason why it is important they are used contextually is that it does not account for the fact that port development can itself drive growth in freight. If, for example, a port wanted to build a new trans-shipment hub that was going to compete with European ports, they might not be handling cargo coming into the UK; they might be handling trans-shipment cargoes. Similarly, you might want to build a regasification plant for LNG. That then brings in LNG that would not have come directly to the UK before. Port development itself can induce freight growth.

For all those reasons, I am actually fairly comfortable with the forecasts. They show a broadly upward trend for most freight segments, which is what we would expect. It is important that they are not used against development, because a point I didn't mention is that they are national forecasts and there might be regional peculiarities that would mean there is extra growth that is not reflected in those national forecasts.

They are broadly useful. I don't think we will look at them in 10 years and say that they were massively accurate. They were probably drawn up before a global trade war was launched, and there is a bunch of things that will affect the numbers, but they are broadly going in the right direction. It is important that planners recognise that they are contextual, and nothing else.

Stephanie Kenyon: Yes, it is welcome that they now extend over a 30-year horizon, as that aligns more closely with the long-term cycles in port infrastructure investment, and in the shipping industry. I echo that there is the risk of underestimating future demand, which is not a fault, but just the nature of the forecast, particularly in segments such as offshore wind and green energy, and with the impact of post-Brexit trade diversification and, as Cathy touched on, the potential for modal shift and how that can change the way the ports and industry will respond in future to market demand.

In an ideal world there would be something that could model for geopolitical risks, as Mark mentioned, and for climate adaptation and the technological disruption that will come in the near future with the drive to the green transition. That would allow for greater strategic and long-term planning approaches, and drive the green energy mission. They are useful. Could they be better? Yes, as long as they are not the only reference point. I think that is the sentiment from the shipping industry.

Cathy Hall: Yes, I agree that they are helpful as context. For all the reasons that Mark and Stef mentioned, there is value to them, but they should not be the be-all and end-all. In the interests of saying something different, volumes are not necessarily the drivers for port infrastructure. Sometimes changes in, say, vessel requirements or the associated berthing needs might drive an infrastructure scheme, rather than necessarily the specific volumes. That is something that we need to



consider for the UK to remain competitive on the global market and able to receive the largest vessels—knowing that draughts are only going to get deeper. While freight forecasts are useful context, they are only a part of the picture, particularly when they can be a focus of discussion at examination. This is where it would be helpful for the NPS to be completely clear about their status, so that there isn't a lot of time lost to that sort of discussion.

- Q10 Laurence Turner:** To follow up on that, Cathy, the UK Major Ports Group said that an over-reliance on the forecasts may be deterring investment. Could you talk through how exactly that works and what additional steps the Department could take to mitigate the risk?

Cathy Hall: The graphs included in the NPS show—I guess not to the lay reader—the 2019 forecasts, the previous set that they did. They were on a much higher trajectory, obviously, pre-covid. Things have changed significantly since then and a lot of other factors are baked in, such as the shift from traditional liquid bulks like oil to hydrogen or other vectors, which are not captured in the forecasts because they are in a niche area. They come with a health warning, in that you need a fairly good understanding of what went into the forecasts to be able to make sense of what they mean.

Comparing the previous set of forecasts with the current ones, there might be an implication that there isn't an appetite for growth in the market. It goes back to the point that there are helpful statements in the NPS that need will be determined by the market and that it will be for commercial occupiers to be confident that that could not happen. It is just left unclarified. The forecasts are potentially quite confusing in decision-making terms. To go back to the wider point and pick up on the role they could play as a material consideration in wider policymaking, people instinctively quite like numbers, don't they, so it is easy to sort of fixate on those things? That is why we would stress context rather than prescription.

- Q11 Laurence Turner:** Is the Department proving receptive to the case for clearer health warnings on forecasts or in their presentation?

Cathy Hall: We had some initial conversations with the Department about it. They were published at the same time as the NPS, but there wasn't a consultation on them per se. The suggestion that we made in the ABP reps that we submitted was to have them as a footnote. That is probably all the context that you need. We retain that position.

Robbie Owen: I will briefly pick up on that last point about the status of the forecasts, as referred to in the draft NPS, when going through the DCO process for an individual project. It would be helpful if the amended NPS could clarify that developer-specific forecasts, even if they deviate from national projections, may well be valid. Port performance and throughput are clearly subject to frequent changes, and there are local



variations too, so I think the amended NPS could recognise that and help to anticipate arguments in those respects, in DCO examinations.

- Q12 **Dr Arthur:** Mark, a few minutes ago you were talking about the sector in the UK being unusual, but in a positive way, because it is market-led. Then, in response to Laurence's question, you had a hypothetical trans-shipment hub, which could be in the UK or in Europe. Would another way of presenting this unusual, market-led sector be that it is fragmented, and that it spends too much time competing within the UK rather than with other European countries?

Mark Simmonds: It is certainly fragmented. That is a key distinction, or characteristic, of the UK ports sector that probably sets it apart from some European countries and other parts of the world, but we see that fragmentation as a positive thing that, broadly, works. Ports compete with each other, not just in the UK—

- Q13 **Dr Arthur:** Wouldn't it be better if they were competing with other nations rather than each other?

Mark Simmonds: They are, but it depends on a port's competitors from port to port. Felixstowe will compete with container ports in north-western Europe, but Clydeport probably less so. It depends from port to port. Broadly, the UK is certainly competing with European ports, particularly on energy and unitised freight markets, and probably, in future, in some liquid bulk areas as well. That is certainly already a factor.

Competition within the UK is, I think, really healthy for shipping customers, who get a greater choice and more effective service. That competition has been a feature of the UK ports sector for 30 or 40 years, and our view is that it has consistently delivered efficient investment in infrastructure, and well-paid and highly skilled jobs in all corners of the UK, so it is working and it has a pretty good track record over several decades.

- Q14 **Dr Arthur:** I was at an event last night for the offshore sector, and an MP who was there was making the point that they wanted their local port to be used more in the construction of offshore facilities. The sector representative said that it was not always possible and that sometimes the facilities are not available in the UK at all. If we had a unified sector, working together, would it not be more likely that we would have facilities for something like that in the UK, rather than having to rely on overseas ports to help to deliver offshore investment, which is just as important as ports? I have to point out that I am not sure whether that is actually happening.

Mark Simmonds: We already have a good record of investment and delivery for fixed-bottom offshore wind. The challenge with floating and some larger projects is that the projects tend to need more specialised infrastructure, which carries higher capital costs and is often less able to



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co-exist with other types of activity in a port. You need to build specialist—

Q15 Dr Arthur: A UK sector working together could perhaps make that happen, but with a fragmented sector it is harder, isn't it?

Mark Simmonds: Possibly, but for the benefits you might gain, you would lose a lot of other benefits. We are starting to see more collaboration. In the north-east of Scotland there is collaboration between Cromarty Firth, Ardersier, Nigg and others in the area. There is recognition that there will be more collaboration between ports, and we are starting to see it. ABP is up there, as well. We are also starting to see it in south Wales, with Milford Haven and Port Talbot collaborating; the freeport has been a useful vehicle for that, but there are also things starting through the BPA and other organisations.

Ports obviously have to work within the competition framework and the law, but it is starting to become clear, and often it is obvious, which ports will be able to do which bits for offshore wind. That is happening organically, and there is a bit of collaboration on the side as well. It is starting to happen, but there are much broader challenges than just the fragmentation. It is the scale and speed of investment that is needed, and the sheer amount of space. The ports in Europe that we compete with have a huge amount of public investment available to them.

Dr Arthur: Is that a hint?

Chair: We are going a bit beyond—

Dr Arthur: It is interesting.

Chair: Yes, it is interesting, and there is a valid discussion to be had at some point about a national port strategy, but let's bring it back to the NPS, which of course does not apply to Scotland.

Q16 Dr Arthur: Let me pick on you again, Mark. Earlier, you were talking about developments and how they can be constraints for ports. Other people may have views on this as well, of course. I guess you were talking about what happens both outside and inside the port perimeter. Even in Edinburgh there is talk of housing developments inside what is a port development. I guess you are concerned about that, but the question is how to go about supporting ports and protecting them from development that may harm their operations.

Mark Simmonds: In things like the marine plans across the UK there are protections that are supposed to say that a development should not do this or that. We would like to see greater connection, or similar language. The marine plans could be stronger, to be honest, and we would like to see a bit of a link between the NPS and the marine plans. Again, we would like to see some of the language that is used in the energy networks policy statements. There is a precedent; there is language that



you can take from existing statements that could be used in the ports policy statement as well.

- Q17 **Dr Arthur:** What if the port owner wants to do something like investing in residential development within the perimeter? Do you think that we should be concerned about that, or does the owner have the right to take it forward?

Mark Simmonds: That is a choice for the port developer. We have seen ports sell land or undertake development, as you mentioned in Edinburgh. The ports have a long-term interest in their own success and future, so it is unlikely that they will take short-term decisions that will harm them in the longer term.

- Q18 **Dr Arthur:** The challenge is that if there are shareholders who want a return on their investment, residential might be very attractive, whereas, in the longer term, perhaps the country needs a port facility.

Mark Simmonds: The sorts of investors we tend to have investing in ports are interested in longer-term returns. The sorts of returns that ports provide are usually guaranteed, long-term, solid returns; those are the people who tend to invest in ports. It has been that way for 30 or 40 years, and it broadly works. There are always examples in any sector of where things could have gone better, but broadly it works.

In many cases you could make money selling your port and developing it into housing; that is the case in almost every location, but it doesn't happen because of what most port developers and investors are interested in. They are specific infrastructure investors quite a lot of the time, and that asset plays a particular role in their portfolio.

- Q19 **Chair:** This is at the very small end of the sector, but I am a riparian Thames constituency MP and we have lost so much water-based industry, wharves and so on, to residential. At that end of the market—seaside resorts and those sorts of places—it is definitely a risk.

Mark Simmonds: Most of the land along the Thames is not owned by the Port of London Authority, or any of the marine terminals that are on it. There are specific things in place to protect and safeguard certain wharves on the Thames.

- Q20 **Chair:** This is where a national planning document is important. It has certainly been an issue for us. Okay, I am at the upper end of the tidal Thames. It is not significant. In many cases, it is not ports but river-based facilities and there has been an impact on the ability of the river traffic to get services and be maintained, and so on. I guess that might be where Scott is coming from.

Mark Simmonds: One of the issues that we have with the policy statement more broadly is that awareness of it among planners is not strong enough. We would like to see more of that, and we would absolutely like to see more protections both in the marine area and



alongside. It can be difficult, in that some parts of the banks of the Thames will not be considered a port. We definitely want stronger protections. It is one of the core things that we are asking for, especially on the marine side, but for landside stuff too, where the port owns the land.

Chair: Yes, and we will come on to agent of change later, I think.

Q21 Laurence Turner: I want to ask about critical national priority status. Do you think that port projects should have it under the NPS, and what practical impact would the grant of that status have on the progression of investment projects?

Mark Simmonds: Yes, we would like to see that. I think it was in our submission to the DfT and the Committee. We were just talking about protections, and I think it would play an important role in protecting ports and harbours from inappropriate development that might hinder, as Robbie was saying, their day-to-day operation now, and their future growth.

Stephanie Kenyon: Yes, we agree that critical national priority should be granted. It would enhance the positioning of the NPS, in the context of the other policy statements, to get holistic coherence across the supply chain when referencing other projects as well. Hopefully, it would assist in striking the balance, as Mark said, between development and those trade-offs. CNP would allow that to be more coherent.

Cathy Hall: Yes, I agree. It gives a degree of investor confidence and means that ports are treated consistently with other assets. Obviously, the energy NPS has that provision in it, and it would, I guess, make sure that there isn't dual treatment of priority for infrastructure. To pick up on what we were just discussing, that sort of designation protects against vulnerability, whether it is to do with agent of change on adjoining uses, reinforcing the primacy of the port infrastructure, or loss of assets, with safeguarded wharves in London, and that sort of thing.

At the moment, the NPS doesn't have any helpful words on safeguarding wharves. I think the Port of London has just finished an examination, or inquiry—I am not sure which—where there was nothing in the NPS that they could use to argue against the loss of an aggregates wharf to residential. Whether or not it is by critical national priority, it is about reinforcing the status of ports as safeguarded infrastructure.

Robbie Owen: I very much agree that it is important that ports be given critical national priority status. If that happens, it will be relevant in a number of contexts, not just for decision making on DCOs for port projects but also on the other side of the coin. For three or four years we have seen how critical national priority status has worked for low-carbon energy projects. In a number of DCO decisions, the critical national priority of the project has been weighed in the planning balance by the decision maker. It means that the need for and benefits of the project



weigh more heavily against the impacts. That has been shown to work in relation to, for example, offshore wind farms and solar developments. I very much support that being rolled out to ports, both for their benefit and for their protection.

- Q22 **Laurence Turner:** Both Robbie and Cathy referred to investor confidence and the proven role of critical national priority status in getting certain projects through. Has any modelling been done about the increase in investment in the sector that could be achieved as a result of potential planning changes? That could relate to critical national priority status, or it could be more general.

Cathy Hall: Not that I am aware of, but we can come back to you. Robbie is shaking his head as well.

- Q23 **Laurence Turner:** Is there anything that could quantify it?

Mark Simmonds: No, is the answer, but next week is London International Shipping Week, and we have been doing some work on port investment. We have some figures that we can share with the Committee, but collecting figures on future investment is obviously very difficult. It is difficult to get a credible number, which some ports won't want to share, for some things; and other things might be more speculative or unlikely to happen. We can share what we have with you, but it is still in development, and I am not aware of anything else.

- Q24 **Baggy Shanker:** You will all be aware of the statement that every effort should be made to embed the principles of good design. What challenges does that present? Surely it is a good thing.

Mark Simmonds: I might defer to the planners and lawyers on this.

Cathy Hall: Obviously good design is a good thing. Ports are first and foremost very much working environments, so the emphasis is on operational efficiency and safety, with ports working as well as they can and delivering cost-effectively. Those are probably the key things that drive them. For a new jetty or something like that, the considerations that we look at will be primarily about safety and how the jetty operates.

Obviously, design is considered. It is not the driving force that dictates what the infrastructure ends up looking like. We agree that good design is something that the NPS should strive for. There is some ambiguity in the wording and some suggestions that are perhaps not that helpful, such as references to aesthetic design. I think it has been deleted now, but there was a period when the NPPF had a reference to beauty in it and that has now fallen away. In some ways it is not dissimilar to that. Our concern would be that a very onerous design requirement could deter investment. Gold-plating—clearly I don't mean that literally—could add significant cost to the project.

I go back to the point that the way the NPS is drafted is very helpful in many ways for decision makers and the examining authority, because it



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takes them through the things they should be looking at. We know from experience at DCOs that the wording, and the nature of the wording, is very important. Promoters and objectors will light on it, and significant time can be spent discussing it at inquiries.

Finally, we obviously know that ports have to exist in a much wider landscape. There are considerations that are well established, through environmental impact assessments, to do with visual impact and noise, and all those sorts of things, and any development proposals need to go through that process. The current wording could probably do with being reined back a little. Of course, consider design, but in the context of delivering an overall scheme, it probably needs to be tempered a bit. Robbie probably has a view on that as well.

Q25 **Baggy Shanker:** It has to be safe. There is no question: it has to be safe and operable. You have to be able to use it, but surely we want it to look good as well.

Robbie Owen: I agree with what you have just heard. I think that the revised NPS goes too far in that respect, for a couple of reasons. First, the highly functional and industrial nature of port infrastructure means that aesthetics can necessarily play only a limited role. That practical constraint is not really acknowledged at all in the draft NPS. I am also concerned that the wording is generally going to create unrealistic expectations of what functional ports can achieve in terms of good design. Our concern is that it could become restrictive on port investment and growth.

There are a couple of detailed references in our evidence. In particular, there is a rather strange reference to a decision maker seeking its own independent advice on what constitutes good design. It is not at all clear how, or by whom, that would be done. It needs further work to arrive at a more proportionate approach that incentivises good design and the development of relationships between port developers, local authorities and stakeholders that result in good design; but I think leave it at that, rather than going further. It goes too far at the moment.

Chair: The gantries, or whatever they are called, at Harland & Wolff have become an aesthetic symbol of Belfast, but they certainly weren't thought of in that way when they were first built, I imagine.

Q26 **Alex Mayer:** Moving on to environmental factors, do you consider that the revised NPS strikes the right balance between facilitating development and important environmental protection? Shall we go backwards this time, and start with Robbie?

Robbie Owen: Generally, it does, and it follows a similar pattern to all the other national policy statements that we have across different sectors. Earlier, I touched on the reference to indirect environmental effects. It is paragraph 3.9.7. Following the Supreme Court decision in the Finch case and subsequent judicial consideration of the same issue in



the West Cumbrian Mining and some oilfield cases, we do not think it is correct, legally, to say that a decision maker does not need to consider—those are the words used—the impact of a new port development on greenhouse gas emissions from ships transiting to and from the port. That needs to be revised.

Something the NPS could do is say how much weight should be given to greenhouse gas emissions arising from vessel movements and, importantly, give guidance on how those emissions should technically be assessed through the environmental impact assessment process. That would be my main observation on the environmental provisions of the NPS.

Cathy Hall: I mentioned this briefly earlier. It is making sure that in the NPS there isn't duplication or slightly different wording of what the environmental requirements might be for ports. There is a need to refer to an awful lot of other legislation and guidance in developing projects, and they can change. I suppose in the interests of it not being out of date straightaway or potentially there being some slight deviation that then becomes a focus of discussion at inquiry or any legal challenge, that is where we would make the point.

Q27 **Alex Mayer:** In fact, in your organisation's written evidence, you asked for clearer guidance, I believe, on the overlapping regulatory regimes. Do you think that that regulatory friction causes harm?

Cathy Hall: Clearly, there are a lot of different stakeholders and regulators that are relevant when any development is coming forward or being developed. Maybe I am biased, but ports are unique environments. The interface between land and marine means that often quite a different set of stakeholders is coming together. There are nuances, in that the local planning line would probably go up to a certain point in the tide and the marine planning overlaps that. There are areas where there is literal overlap and they may say slightly different things.

UKMPG has been really positive about the Corry review recommendations about how regulators could work better together. ABP and DP World are doing some sandbox work with the Marine Management Organisation on more innovative approaches to what is required by legislation. There is scope for improvement. I see on other DCOs like the Lower Thames Crossing there is a lead environmental regulator—I can't remember the exact word. Those are all steps in the right direction.

I suppose with all of this there are a lot of interested parties. They come at it from different angles, which goes back to the point that I made earlier about the NPS having a clear statement of why ports are important and about their foundational role, so that they understand how their role fits into the wider picture. That is an opportunity for cutting through some of the time spent on environmental discussions, and getting to the outcomes.



Stephanie Kenyon: There are two core points that I want to raise in this space. One is tangential, so I do not want to lead the Committee too far off the NPS, but it is relevant in this space. As both Robbie and Cathy have mentioned, the overlapping of approaches in the calculation when you are looking at environmental impact will be important in the language of where the NPS lands.

As the Committee is aware, the Government's maritime decarbonisation strategy was launched earlier this year. The challenge that I want to raise to the Committee in the context of how they interact is that the emissions model that is being used by DfT under that MDS arguably, from the perspective of ports and shipping, overstates the emissions at berth, which will in turn have an impact on the assessments that are made. It is calculated currently at 46%, whereas if you express it as a share of total emissions from the UK's exclusive economic zone, emissions from vessels on side constitute between 7% and 14%. That imbalance in perception and the dissonance there between modelling could potentially have barriers to investment and feed into the calculations that are made at the NPS level.

Separate from that, there is a point that connects to Laurence's question about critical national priority on how these things connect together from a shipping industry perspective, looking at it as the customer, rather than on the land side. There are elements of emissions in decarbonisation that the shipping industry wants to drive forward, and as part of the supply chains. Those are, as referenced before, shore power and grid connectivity. We know that nine out of 10 of the busiest ports in the UK are at capacity and need upgrades to support shore power at berth. We know that 80% of the global cruise fleet will in three years' time be able to support shore power. A third of those vessels call in the UK, but currently Southampton is the only port, and even there it is sparse.

How can the whole ecosystem, the whole network, work together to drive forward towards those shared goals? That is currently, from the shipping industry perspective, where the NPS is not firm enough. Critical national priority status and connection with the energy plans would create greater clarity on that. It is about that focus and understanding of how it all fits together to maximise the advantages towards both the green transition and the growth agenda. The industry and the ports industry can really support those missions if the right environment is created and those connective tissues are put in place between the different sectors.

Mark Simmonds: I agree with everything that has been said. I don't have anything further to add.

Robbie Owen: I want to comment on the point that you just heard about what DEFRA and its various agencies are doing following the Corry review. It is important to remember that one of the founding principles of the DCO regime for NSIPs is that the consent should be as much of a one-stop shop as possible and should therefore bring in as much as



possible other consents under the DCO wrapper, or within the DCO wrapper. DEFRA has been busy following the Corry review's publication in April in thinking through what it means in terms of appointing lead regulators and other initiatives.

This NPS could be clearer in encouraging key agencies like the Environment Agency, the Marine Management Organisation, Natural England and others to work with the port developer, the applicant for the DCO, to make the one-stop shop vision more of a reality than it is at the moment. We still see far too many of the regulators jealously protecting their own separate consent, saying, "No, we're not going to agree to you wrapping that up into the DCO." Sometimes it is not appropriate to do that, but at other times it is. It is not being done at the moment because the regulator concerned is holding out for dealing with it separately as normal.

Q28 Alex Mayer: Returning specifically to carbon budgets, the 2012 NPS states that decision makers should not assess the carbon emissions of individual applications against carbon budgets as it would be done at national level. Some of the written evidence that the Committee has received has called for that principle to be restated in the new version. Do you agree? What is your view?

Robbie Owen: I agree with it. I covered it earlier in what I said following the Finch case. It is a very live issue in DCO examinations. It produces a lot of legal risk of judicial review, which we obviously want to minimise. Therefore, in terms of indirect effects, the NPS needs to be quite substantially revised.

Mark Simmonds: I absolutely agree. It was in our submission as well.

Stephanie Kenyon: I agree. There is also consideration with respect to competitiveness of the UK port system against EU ports regulation—FuelEU Maritime—and wider funding measures that could be strengthened.

Alex Mayer: Cathy, do you have anything to add, or are you just nodding in agreement? Fantastic.

Q29 Steff Aquarone: We received a view that the risks of dredging are overstated in the NPS, particularly when it comes to its role in operations and indeed safety at ports. What is your view, first of all, and are there any practical implications of that position?

Mark Simmonds: That sounds like something I would say. I think it was me who said that. We are a bit sensitive about dredging. The thing to say first up is that dredging done by ports—navigational maintenance dredging and sometimes capital dredging—is very tightly regulated according to international standards. It is monitored and overseen by Government. There is a strict regime already in place to ensure that the environmental impacts are limited. A huge amount of maintenance dredging goes on every single day to make sure that ports have the



depth that they need to stay at those depths so that ships do not run aground when they are coming in and out.

Most of that is by and large safe for the environment. Quite often it moves material that has been moved in by the tides back out again, or in some instances just agitates it and lets the tide move it out. The movement of sediment is a natural process, and the dredging to deal with it is very tightly overseen. There has been interest in dredging in the last few years. Some of it has been unfortunate in the unscientific basis on which some claims have been made about the impacts of dredging. We are very sensitive and cautious that we do not want to see any of that creeping into the NPS. As far as we are concerned, there is a very strict existing regime for all types of dredging. It does not need to be covered in huge amounts of detail in the NPS itself.

Q30 Steff Aquarone: You are saying that it is okay and we don't need this concern or caution. What would be the practical implications if that perceived heightened risk were to become the received wisdom?

Mark Simmonds: It would make dredging more difficult or more expensive to undertake, which would make ports more difficult to operate and grow, less attractive to investment and ultimately less competitive. That is why we have been doing some work, and have some work planned, with colleagues and Government, on promoting dredging and how it is managed, and the responsible way in which it is managed, and the work that goes into making sure that it is safe and that contaminated material is not put into sensitive areas. As an industry, we need to do a bit more work to educate and inform people about what actually goes on and how it is managed to guard against those risks.

Stephanie Kenyon: From a ship-owning perspective, it is obviously about the safety of navigation and access to ports and movement in and out. Navigational and capital dredging, from our perspective, must be maintained and ensure safe access. There are elements beyond dredging around cables and installations that pertain to the safety of navigation and must be paramount in terms of access to ports.

Cathy Hall: I have nothing to add.

Robbie Owen: Very briefly, in terms of land disposal of dredgings, the NPS appears to suggest that as a suitable mitigation measure for maintenance dredging. Our understanding is that actually land disposal is rarely feasible because of the lack of available land and its high cost. Therefore, it should not be assumed to be the standard approach.

Mark Simmonds: If we disposed of in landfill all dredged material that is currently disposed of at sea, we would use up all our landfill in under a year. There are huge volumes—

Q31 Steff Aquarone: Is that national landfill capacity or your sites?



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Mark Simmonds: It would not happen because the costs are orders of magnitude higher than disposal at sea.

Q32 **Steff Aquarone:** You are talking about your landfill capacity.

Mark Simmonds: There is not enough landfill in the UK to handle a year's worth of sea-dredged material from ports.

Q33 **Steff Aquarone:** What we have just heard is quite a good example of where perhaps ports have been an under-considered factor. Many people have spoken about consistency and connectivity around this. Perhaps I can push on that specific point. We have talked about DCOs already. We have heard arguments that the granting of marine licences should be a default, not an exemption. Do you have any views on the merits of that, Cathy?

Cathy Hall: I would need to come back to you on that point. I will be honest; I don't have a clear line on that one.

Steff Aquarone: That is totally fine. Thank you.

Mark Simmonds: We are keen to see deemed marine licences as part of the DCO. As Robbie said earlier, this is supposed to be the one-stop shop. If you then have to go and get a marine licence on top, particularly with the way the marine licensing system is at the moment—it is not performing particularly well—it makes it a less attractive route for development.

Q34 **Steff Aquarone:** You have folks building cable corridors within a few miles of ports just getting on with the—

Mark Simmonds: Not within a few miles; straight through the middle.

Steff Aquarone: Straight through. Yes, of course. Good point.

Cathy Hall: I thought your question was wider and about marine licences generally. I absolutely agree that they should be deemed within DCOs.

Q35 **Steff Aquarone:** As the standard. Okay. You agree. Does anybody not agree with this? Does anybody want to add any views to that point?

Robbie Owen: I agree. That is the universal practice, or almost universal in DCOs. I would go further and say that it should also be the practice—there is no reason in law why it cannot be—to have deemed marine licences as part of harbour revision orders for smaller projects that do not require a development consent order and therefore get authorised, where necessary, by a harbour revision order. Those HROs should include deemed marine licences just as DCOs do.

Chair: The rest of the panel were nodding at that point.

Q36 **Steff Aquarone:** On the basis of your joint approval of the idea, is it solving a particular problem, or is it just a matter of administrative convenience?



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Cathy Hall: There is an admin aspect to it, definitely. A lot of the same thinking needs to be done. If you had to do an environmental impact assessment for an HRO, you would have to do the same work for the marine licence, which goes to the point that you are seeking consent for a very similar thing. It is just the fact that they fall into two different regulatory regimes. Yes, it would tidy things up.

Q37 **Steff Aquarone:** It is not just administration. It is duplication, actually.

Cathy Hall: Yes. Effectively, we would do a single EIA and submit it to both. It just makes things harder for the reader and introduces risk in the process of trying to solve the problem in the application. Actually, it would be better if it were solved at the in-principle level, I suppose.

Q38 **Steff Aquarone:** This sounds like a stupid question, but do you have to be a harbour or harbourmaster to apply for an HRO?

Mark Simmonds: Yes, unless you are creating a new harbour, in which case you wouldn't. A harbour empowerment order is also an HRO. I am now looking at Robbie nervously.

Robbie Owen: Yes, broadly, you have to be the harbour authority or have a substantial interest in relation to the matters at hand. Certainly, if you are planning a new harbour and you need a harbour empowerment order, if you are in the right position, you would have a substantial interest. Generally speaking, certainly for harbour revision orders, it is the current statutory harbour authority.

Q39 **Steff Aquarone:** I am not thinking about creating one, just to be clear. Finally, is the NPS the only way to address these problems, or could something be done through bilateral discussions with the agencies?

Mark Simmonds: Which problem?

Steff Aquarone: The issue of the deemed marine licensing consents and the other ideas about HROs that we have just heard.

Mark Simmonds: One of the issues that we have is that there are inefficiencies and problems with the marine licensing system and the system for processing HROs.

Q40 **Steff Aquarone:** Already? Notwithstanding?

Mark Simmonds: Yes, there are significant problems with HROs and marine licensing in England, so it bypasses that. There is duplication for the MMO as well if you go back to them to do it again, so it frees up resources there. As I said, we are broadly pleased with the NPS, but there are a lot of other things that need to be done to improve the process of port development more widely. A lot of that is around marine licensing, a lot of it is HROs, and there is some terrestrial planning stuff as well.

Chair: We now have a couple of questions about decarbonisation and shore power with Scott.



- Q41 **Dr Arthur:** Stephanie, I don't want to put words in your mouth, but I think you said that the NPS does not provide enough support for either ports or the maritime sector to achieve net zero.

Stephanie Kenyon: Close. It sets a direction, but it is then the clarity, consistency and confidence that would be required to drive that forward, and the way it interacts with other policy statements, such as both the clean energy policy statement and the broader maritime decarbonisation plan. The stated aim is the growth and clean energy mission. However, we feel that there are opportunities that perhaps have been missed in the NPS, and therefore in its interaction with the broader policy framework, that could optimise that transition for the industry and the shared goals that we have with Government in that space.

Robbie mentioned that the consideration of future fuels, CCS, hydrogen, and how those will be transited and stored, and how the wider frameworks are operated, has a planning implication. Ditto shore power and then, significantly, grid capacity. The designation of ports as critical national priority could lend itself towards greater focus and priority on that to help us all achieve those net zero targets, as we wish to do.

- Q42 **Dr Arthur:** Is this something that the sector has fed back to the Government? Are discussions live?

Stephanie Kenyon: Discussions are live. There are ongoing consultations falling out of the maritime decarbonisation strategy both on net zero ports and on decarbonisation of small vessels. We anticipate that there will be a further consultation on alternative fuels—next year, I believe—but it is how that all fits together within this planning statement, ensuring that we do not miss an opportunity to set a framework that can be built on for port infrastructure and the shipping and maritime industry as a whole in future.

- Q43 **Dr Arthur:** On alternative fuels, and fuels more generally, one of the things that came through was that there was not enough recognition of the need to store fuel in ports. Is that a concern, or is it just me misunderstanding things?

Stephanie Kenyon: I will leave it to colleagues to comment on the port side of the storage element. From a broader step above the NPS perspective, it is a broader recognition of the market and goals-based solution that the industry would like to see in decarbonising emissions from shipping. That is looking at what the alternative fuels mix is likely to be in the future. It will be a mixture, and there should be a market-led approach to how different vessels decarbonise, because there will be different sectors that have different advantages, and opportunities in different ports to take advantage of those—things like battery power, ammonia, and hydrogen. The storage side is for ports colleagues to comment on. From our perspective, it is the step beyond: the broader regulations around safety, handling, storage and transit of fuels that are yet to be developed further.



Q44 Dr Arthur: It seems there is uncertainty about what the future fuel mix might look like. Is there flexibility, with an approach to accommodate that uncertainty?

Mark Simmonds: I don't think shore power should be in the NPS at all. There are so many things that you could include in it. It becomes bloated very quickly. As Stef mentioned, shore power is being looked at elsewhere in other parts of Government policy. I don't think it is appropriate to include specific technology needs.

Q45 Dr Arthur: Why is it harmful to have it in? Surely, it is a nice to have.

Mark Simmonds: There are lots of things that you could add. It becomes bloated very quickly when you add things that are nice to have. Robbie touched on the purpose of this document. It has its purpose. The purpose is not to start setting out requirements for shore power. That is covered in other bits of legislation and regulation. The Government are currently considering how else they might incentivise or mandate that in future. I don't think this is the right place for it.

Q46 Dr Arthur: I think we'll come back to that. More generally, on the mix going forward, do you think there is flexibility for ports?

Mark Simmonds: There is a great deal of uncertainty. Yes, you are right. It is broadly accepted that there will be a mix of fuels in future rather than the one that is currently in place. There are different levels of uncertainty across different parts of shipping. For ferries on shorter journeys, it is likely—

Q47 Dr Arthur: Do you think the NPS can adapt to that, or do you have concerns about it?

Mark Simmonds: That is one of the reasons why I am not sure that this is the best place for it to be.

Q48 Olly Glover: On a recent Industry and Parliament Trust visit to Dover, a couple of us heard about challenges in some of its forward plans for wanting to decarbonise shipping across the short straits of the English channel. Because it is such a short route, it presents a fairly unusual opportunity, potentially. They told us that, for both Dieppe and Calais on the French side, power supplies have already been upgraded and are ready to go, potentially to enable battery-powered ships. On the UK side, there are no such plans and the power needs are woefully inadequate.

I heard what you just said, Mark, about NPS not really being the right avenue to push for the provision of improved shore power. Why is that, given that it is potentially going to be critical for the sustainable future of shipping? What are the alternative levers that can be pulled to advance that?

Mark Simmonds: It is critical for the sustainable future of shipping at Dover, but it might not be critical for shipping in every single port.

Olly Glover: That's true.



Mark Simmonds: I don't think it should be in there. Shore power will play a huge role in abating emissions from ships, but there are several challenges. There are challenges around the grid, which is probably our top priority at the BPA at the moment, something we have engaged extensively with Government on. We are pleased that the industrial strategy seems to be pointing towards ports as foundational sectors being able to get priority status in the queue for grid connections and cheaper electricity. We are not quite sure yet whether they will be able to supply the cheaper rate of electricity to ships, which is what we need it for in the most part, or for generating fuels and so on.

The point about shore power in particular—Stef touched on it—is that the whole industry, as far as I am aware, is united on the fact that the Government should be technology-neutral. The Government should not be talking about shore power in documents. They should be talking about how you abate emissions at berth and then leave that to the industry, by setting targets and incentives to do it. It is worth noting, as Stef said earlier, that we estimate emissions at berth for shipping as a whole to be in the single-digit percentage of their shipping emissions. Emissions at berth are important and shore power will be an important part of that, but there are much broader considerations. We do not think the Government should focus just on shore power itself.

Q49 **Olly Glover:** I understand that. Does this not perhaps speak to some of the points that we made earlier about how Government do or do not co-ordinate all the various ingredients to make an effective maritime cake?

Mark Simmonds: The barriers to shore power specifically are very well understood. They need a lot of power and it is very peaky. You need a lot of power very quickly. That is expensive. You need ships to be able to plug in and be willing to pay the premium on using the electricity at berth, and not running their auxiliary engines on diesel. It is not that the Government don't understand. The costs are high and tend to fall on ports up front, and they then have to make that money back from ships over very long timeframes. Some ports have a 100-year payback for shore power.

The Government understand what the problem is. They are starting to deal with the connections issue. What we tell them repeatedly is that no shore power project anywhere in the world over 1 MVA has ever been done without public subsidy. That includes the UK at Southampton, Orkney, Portsmouth, Aberdeen and other places. The Government have done a little bit of that—they have provided some funding—but there needs to be a much longer-term plan in place, as Norway, France and most EU countries have, to support shore power, rather than just saying, "Let's put it in the NPS and hope for the best."

Stephanie Kenyon: To clarify, I understand Mark's position on the NPS not being a catch-all. Our position is that there has to be coherence. If you create a framework that precludes those broader things from addressing some of the green transition challenges, it would be a missed



opportunity. It does not necessarily have to be prescriptive in the NPS, but it has to be an enabler. That is the important point. Government policy in this space, where they are driving the green energy transition, should be enabling and leaving the door open to those further developments.

To further illustrate the point, alongside your Calais-Dover connection, the electrification of the Wightlink Portsmouth-Isle of Wight ferries has been held back because the grid connection that may not be in place until 2037 anyway has not been secured. It is about consistency of approach. There has to be collaboration and there has to be coherence around it. The scale of the challenge is not lost on the shipping industry and the broader industry. A Transport & Environment and DNV study showed that just 4% of the onshore power supply connections that will be needed by 2030 are in place. That is quite a big curve just up to 2030, and then beyond to 2050. How do we make the decisions in frameworks now that will enable that to happen at the pace that it needs to happen in order to meet those shared goals?

Q50 Olly Glover: It is all about forward planning, isn't it? Do you have anything to add, Cathy or Robbie?

Cathy Hall: I echo the points about grid connection. That is the huge constraint. I agree that there are significant up-front costs for ports in installing shore power infrastructure. For a lot of our ports, 2037 is not unusual for the timing for a connection. Yes, there are decarbonising vessels, but we also have process emitters on our ports. We have to electrify to decarbonise those as well. We have initiatives where we look to generate power on the port, and that is fine where there is an off-taker like the Port of Barrow where we are doing a floating solar farm on that basis, but where there is no guaranteed offtake of power and no timeline for an export connection either, it creates a significant constraint for us. Both sides of the grid issue create problems for ports.

Robbie Owen: It is important to recognise the limits of the national policy statement on this issue. Certainly, it cannot be a repository for all aspects of shore power, but it is relevant to port development, which is obviously what the NPS is dealing with, to consider what contribution the development is making to achieving net zero, and there is a section on climate change mitigation. That is perfectly in order. One contribution might be that for a particular development, like a new berth that requires a DCO, shore power is provided for that berth. That is the kind of thing that would be in order, but going beyond that has its difficulties, as Mark said.

Q51 Olly Glover: That is pretty clear. Would you say it is similar for the need for carbon capture and storage and sustainable aviation fuel development? Would you say similarly that that is not an NPS thing and it should be in other areas?



Robbie Owen: That is a slightly different issue from the topics that this NPS deals with. As I said in opening, it does not really capture carbon capture and storage, SAF and, indeed, hydrogen and ammonia. The pace of technological change, as we all know, is only increasing. In future, these NPSes are to be subject to five-yearly reviews under the provisions of the Planning and Infrastructure Bill. Even so, five years is quite a long time, but clearly not as long as the 13 years since this NPS was put in place, and they can get out of date. It is important in terms of the technologies that the NPS covers, in terms of types of port development, that it should be broader to anticipate changing technologies.

Cathy Hall: I agree about carbon capture and sustainable aviation fuel. Yes, there are other regulatory processes that need to happen for that to move from an emerging sector to become a viable sector in the UK economy. The role that the NPS can play is making sure that planning is not one of the barriers to that. As I said at the beginning, it is helpful that there is a lot in the NPS about floating offshore wind and the role that ports could play. The same can be said for sustainable aviation fuel and particularly for carbon capture, where there is an opportunity for the UK to get first-mover advantage in the wider European economy, and making sure that there are appropriate provisions in the NPS for that is a real opportunity.

Chair: You have touched quite a lot on wider planning policy, and Elsie has a couple of questions.

Q52 **Mrs Blundell:** Good morning, everyone. Thank you very much for appearing before us today. As the Chair said, we have already touched on this, but to be clear, do you think the revised NPS is explicit enough, or at least does what it needs to do when it comes to providing guidance on land use and development for port-adjacent activities? To get a bit more specific, are there any particular opportunities to support economic growth around ports that you think the Government are missing at the moment?

Cathy Hall: We have not built that many ports in the UK recently, so they are fixed. My first point echoes the safeguarding requirements that we have mentioned. Because we have very strict security requirements to meet our SPS standards, ports exist behind the fence line. That has probably meant that in the more traditional land use planning world there is a bit of mystery about what happens behind the fence. There is a regime of permitted development rights that applies specifically to ports.

The key consideration that we would like reflected in the NPS is providing policymakers with what they might need, whether or not that is at the local planning level. Let's take London as an example, currently the one place where there is a regional plan. There are some helpful things in the London plan that talk about safeguarding wharves and pick up on that point. As I mentioned, there is nothing in the NPS that reflects that requirement. When other policymakers come to work out what they may need to reflect, it is not quite a "How to," but, "These are the things that



you need to think about when you are thinking about how the existing ports or proposed port growth in your local area might need to be factored in.”

Returning to the safeguarding point, a lot of the ABP ports have neighbours, so there is a requirement to be flexible and agile in terms of what cargoes can come in and out. We are under a statutory obligation to allow discharge of cargoes on the quay. There can be a perception that ports are not that busy and not much is happening, but that might be because the quotas are at a certain point in the month and there is no steel sitting on the quay. Next week, you could go there and the material would be 8 metres high. The role that the NPS could play more strongly is explaining the unique role that ports play, versus more traditional industrial uses, which most plan-makers in land use planning are more able to deal with.

A final point is that ports usually operate on quite different geographies from traditional land use planning areas. That creates massive opportunity. Short-sea shipping can open up quite different geographies, which is all the more reason, whether it is local authorities or regional authorities, to give them a good starting point so that they know where to begin, particularly now that we are moving to a more devolved landscape. Obviously, ports are very happy to engage with the planning process as well.

Q53 Mrs Blundell: Can I follow up on some of the points that you made about local planning authorities? Outside London, do you think moment there is sufficient expertise across local planning authorities to make sure that we get optimum utility? Is there enough expertise when it comes to ports?

Cathy Hall: At ABP, we spend a lot of time working with the 25 different local authorities that cover our various ports. For a lot of them, the ports are significant employment generators. There is probably a wider point that you cannot have a discussion about resourcing with local authorities without making a point about capacity and capability. Ports are a good example of something that is quite often outside the everyday. Even if the development management teams are regularly looking at applications as they come in, you get staff turnover. Then you are asking the policy team to have due consideration in their five-yearly updates for what is happening in the port. There can be challenges in being precise about exactly what will happen just because of the nature of ports. There probably is a shortfall. I don't think that is unexpected. I don't know that there is necessarily an answer in the NPS to how you solve that, but we would love to.

Stephanie Kenyon: Cathy and colleagues will have a greater perspective on the “how”. From the shipping perspective, it is more about the “what”. We want land use-related port-adjacent operations to be as optimum as they can be from a customer perspective. That is space for logistics and control operations, capacity for future development in the



alternative fuel space, warehousing, ship maintenance and associated industries. For us, it is about the clusters that form, and ports and vessels operating in an interconnected maritime environment. That is the “what”. The “how” is more for land-side colleagues.

Mark Simmonds: I have nothing to add.

Robbie Owen: It is about recognising that DCOs, and indeed harbour revision orders, are not the norm for the medium and large developments. Therefore, Town and Country Planning Act decisions by local authorities are critical, as indeed are marine licence decisions by the Marine Management Organisation. This comes back to two things. First of all, it is changing what the amended NPS says in section 1.2.3 about how it applies to Town and Country Planning Act decisions, and using the magic words that the NPS is a material consideration in planning decisions, which it does not currently use. I support the evidence that you have had from others that that should be done.

Secondly, there is an education piece by the Department to make it very clear that this NPS should not just be seen to be relevant to DCOs; as per the national planning policy framework, this NPS has a broader application. It is about making that clear so that people understand it, because there is no other general planning policy that is relevant to ports that local planning authorities can have regard to, apart from the NPPF itself, but that covers all sorts of things and every sector.

Q54 **Mrs Blundell:** What are the implications of the lack of alignment that you mentioned, or of the lack of other policy frameworks?

Robbie Owen: The implications are that, in relation to both port developments and other developments that are harmful to ports, you don’t see enough account being taken of the critical importance of ports to the national economy. We saw that in the national infrastructure strategy published in June. What we said earlier about critical national priority status is also relevant. Ports are often misunderstood. As someone said earlier, some days they are quiet, and people draw inferences from that that aren’t correct. The Department could do more to emphasise to decision makers across the whole planning system how important ports are when it comes to port developments and protecting them from other adverse developments.

Q55 **Mrs Blundell:** Cathy, do you have anything to add? We have touched on this. Does the NPS align effectively with broader planning policy frameworks? What are the implications if it does not?

Cathy Hall: There is broad alignment. There is some debate about exactly where the marine environment starts and the land ends. If we are reclaiming to build out a new quay, that only complicates matters. That aside, I don’t think there is too much inconsistency in spatial plan-making at the moment.



Picking up your question to Robbie about the implications of the ports NPS not having particular prominence in people's thinking, it is exactly the questions that were asked earlier about the impact of residential uses and agent of change principles. That is a good example. There is something in the NPPF that is a good hook that we can use to make sure that port activities are protected and safeguarded when there is perception of a quay that might be quiet for some time but could be busy in future. Local planning authorities, when they determine applications, rely on noise assessments that were done at a certain point in time. They are quite stretched resource-wise. If we are not quite vigilant in looking at all those applications, those developments will go through.

As I said, we have neighbours at some of our ports. They do not enjoy the 24-hour operation of some ports. We have to juggle those conflicts, and it only becomes more challenging to operate the ports most efficiently and run them to their fullest extent. From a spatial planning point of view, I don't think we are in the situation where there are different designations in different parts of policy. I would not want to say that conclusively, though. Someone could probably find an example. It is more about making sure that people have the full suite of evidence available to them and they know where to go.

Q56 **Mrs Blundell:** Stephanie or Mark, do you have any comments about how the NPS aligns with broader planning?

Mark Simmonds: Only to re-emphasise the earlier points that it could better align with marine plans on protections. Both marine plans and the NPS could be stronger on protection support. The point that we discussed about deemed marine licences would be a better way to align things there.

Stephanie Kenyon: I agree with what has been said. It is coherence across the framework in ensuring that those opportunities are seized, looking at modal shift and at how the whole maritime sector feeds into the national transport and logistics framework, and how planning aligns to that.

Q57 **Mrs Blundell:** The NPS has no mention of green-belt or grey-belt land, and it references previously developed land only. Stephanie, I know that the UK Chamber of Shipping argues that the NPS could offer greater specificity when it comes to land use related to port-adjacent operations. Do you think the Government need to look again at the NPS to evaluate the consequences of that omission?

Stephanie Kenyon: It broadly feeds into what colleagues have said, and who from a planning perspective will have a greater opinion on it than ourselves. As the Committee might expect, from a shipping perspective, it is about looking at what is on offer and what developments are available for the services and requirements that we need as shipping in that supply chain. From a planning point of view, the specificity is for



others to opine on. It is more ensuring that the framework is right in the right places, as has been said before, in licensing and so on.

Q58 Chair: Stef, in terms of the concern that you raised in your submission about improving the freight flow to and from ports—the other transport infrastructure—you said that the draft revised NPS lacks detail on how infrastructure bodies could be supported and incentivised. Does the revised NPS improve on the 2012 version? Even if it does, could it be further improved?

Stephanie Kenyon: Is that in terms of the greater emphasis on modal shift?

Chair: I am specifically talking about land-based transport.

Stephanie Kenyon: It is an improvement. Again, it comes back to the point—apologies that I keep going back to it—about the consideration in the NPS of how local authorities and planning bodies can be encouraged to think about modal shift infrastructure and promote greater access to and from ports. We know that vessels are one of the lowest-emission ways of moving freight, so let's maximise that, again by situating the NPS within the green energy objective. How is that value maximised and, coming back to Cathy's point, how, cross-departmentally and from an industry perspective, can local authorities be encouraged to gain greater understanding of that shift?

Q59 Baggy Shanker: This is initially to Robbie. NIPA thinks it will be helpful for the revised NPS to clarify how section 245 of the Levelling-up and Regeneration Act 2023 affects port development. Could you explain how and why?

Robbie Owen: The Levelling-up and Regeneration Act 2023 had a revised duty to further the purposes of national landscape designation. We think the NPS should do more to consider how that should apply to port development. The revised duty has already been a hot topic of consideration in a number of High Court cases. The Town and Country Planning Act regime was the subject of extensive debate in the examination of the Lower Thames Crossing development consent order recently, and is now one of the issues being raised in a judicial review of the decision to give development consent for a new terminal at Luton airport. There is concern not just about how the duty bites when it comes to the Secretary of State deciding on applications for port development consent orders, but how it bites on the development of those schemes by the statutory harbour authority, because the duty applies to statutory undertakers as well as the Secretary of State, and harbour authorities are statutory undertakers.

That is all important clarification, and it applies the Department's mind to how the duty applies specifically to port development to reduce legal risk, ultimately, because it is exactly the sort of thing that takes up hours and hours of examination time, with lots of consideration by examining authorities, and then decisions by Secretaries of State that then produce



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judicial review risk, which we are trying to minimise, if not avoid. The concern is that particularly at the moment the draft NPS frames the duty in the context of the scheme's design. I have already mentioned the concerns in relation to design. It is not clear how by applying, as the draft does, the questions in the current non-statutory guidance produced by DEFRA an applicant could satisfy the Secretary of State that the design and delivery of port infrastructure furthers the statutory purposes of the relevant protected area, be it a national park, the broads or something else.

It is a question of considering how the guidance should be adjusted to apply to ports in their development of schemes subject to the NPS, and then how the Secretary of State should apply it when it comes to decision making. What the NPS says in that respect—this is the last point—is rather misaligned with the overall thrust of the NPS about the need for port development and the presumption in favour of development. It is another area where more work is required.

Chair: Thank you all very much for coming to give evidence. We had a slightly longer session than we were expecting due to the reshuffle. Please come back to us if you feel there is anything that you would have liked to expand and did not get a chance in your answers this morning. I am aware that it is a very busy fortnight for everyone in the maritime sector in the UK, so thank you for making the time to come to us, as well as for your evidence. Next week, we will be putting questions on this subject to the new Government Minister for maritime, so please tune in for that at 4 pm on Tuesday 16 September. That concludes today's meeting.