

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	PORT OF SOUTHAMPTON		
DATE OF DECISION:	10 OCTOBER 2013		
REPORT OF:	DIRECTOR OF ENVIRONMENT AND ECONOMY		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			

BRIEF SUMMARY

This report outlines planning policies and powers in relation to the Port of Southampton.

RECOMMENDATION:

- (i) That the Committee notes the report.

REASON FOR REPORT RECOMMENDATIONS

1. In response to a request for this item to be discussed at the 10 October 2013 meeting of this Committee.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

3. This report sets out:
 - The legal rights the Port has to implement port development without the need for planning permission ('permitted development' rights);
 - The national approval process for major infrastructure proposals (including ports and energy plants);
 - Likely future port related developments (as set out in the Port's Master Plan); and the policies that would apply if planning permission were needed;
 - The policies that would apply to non port development within the port (eg an energy plant);
 - Recent proposals in the Port
 - Environmental Health issues

The Port's Permitted Development Rights

4. The owners of the Port (ABP) are the statutory harbour authority. As such they have permitted development rights within land defined as operational port land. In Southampton this includes the Western and Eastern Docks. The Port's permitted development rights are extensive. They can implement any development without the need for planning permission provided it is related to shipping or the movement of people or goods within the dock. This would apply for example to any new buildings, extensions to buildings, alterations to roads, cranes, lighting columns and changes of use. The power is extended on the same basis to development by any body which leases land within the Port (e.g. a rail operator).
5. The permitted development right does not apply to certain development if it is considered to have a significant adverse effect on the environment, as defined under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. However, this would only apply to very significant port development.
6. The permitted development rights do not extend to development within the Port which is not required for the purposes of shipping or the associated movement of passengers or goods. For example, a major power plant designed to generate electricity / heat for general domestic consumption would require planning permission.

National Approval Process for Major Ports and Energy Plants

7. Where planning permission is needed for major infrastructure, the application is now considered by the Planning Inspectorate's National Infrastructure unit and determined by the relevant Secretary of State. The Council can provide a local impact report to help inform the decision. This applies to port development that provides additional capacity of 0.5 million containers or 250,000 vehicles; and to energy plants with 50MW of generating capacity. The proposed Helius development falls into this category.

Likely Future Port Development and Relevant Policies

8. ABP's Port Master Plan gives an indication of the type of port development envisaged in the Port through to 2030. The Port Master Plan is not a statutory policy document but is a material consideration in determining any planning applications. A summary is set out in Appendix 1. In brief the Master Plan envisages major growth in the Port's trade to 2030: an increase in cruise passengers of around 170% and containers of 200%. This will lead to a need for new facilities within the Port. For example in the Western Docks there is likely to be a need to transfer land from surface level car storage to container storage; to provide replacement car storage in a multi storey format; and possibly a 5th cruise terminal. Most or all of this development is likely to fall within the Port's permitted development rights.
9. If planning permission for port development were required, various national

and local policies would apply, including the National Policy Statement for Ports and Southampton's Core Strategy. A summary is set out in Appendix 2. In brief, the policies give strong support to port facilities, and attach considerable weight to their economic importance. Wherever possible these should be designed to minimise the impacts on local communities.

Policies Applicable to Future Non Port Development within the Port (eg Energy Plants)

10. National and local port policies recognise the importance of ports. It is therefore important to ensure that existing port land remains in port or port related use, and is not used for developments that could be located elsewhere. Southampton's Core Strategy explicitly states that planning permission will be refused for non port related development within the Port. An energy plant which relies predominately on fuel shipped into the port would meet this policy. A facility which does not have this relationship to the port would not meet this policy.
11. A facility which was closely related to the Port would still need to accord with general planning policies for energy plants, including the National Policy Statement for Energy. These policies are summarised in Appendix 2. They recognise that ports have a potential role in accommodating biomass plants. In determining planning applications for energy plants these policies attach substantial weight to the need to cut greenhouse gases by developing renewable / low carbon energy plants and to maintain a secure energy supply. Energy plants will be subject to pollution control regimes. They should be designed to avoid significant harm and minimise impacts on the environment and residential amenity.

Recent proposals in the Port

12. Recently, there has been a proposal for the Helios Biomass plant and it is expected that this development will be submitted shortly to the National Infrastructure Unit and that Southampton City Council will be a consultee in this process. There has also been a planning application for a sulphur plant and this has led to the creation of the Western Docks Forum, who will be advised of planning applications on a weekly basis (once we are notified of who that is). Then, they will be aware of proposals and can comment on them if they wish.

Environmental Health issues

13. If planning permission is not required for dock related business, then Environmental Health Controls are used, normally in a reactive situation once the development has gone ahead, and if complaints relating to a statutory nuisance are received.
14. Where the development is carried out under the Permitted Development Order, then there are other controls that are available, statutory nuisance controls by the Local Authority, principally for noise dust and odour, and in some cases, processes require a permit under the Pollution Prevention and Control Act 1999. Under this regime, Local Authorities are required to regulate the smaller industries termed Part A2 and Part B installations, for example within the docks there is a car re-spraying process and a waste oil

burner. The Environment Agency regulates the larger industries, which are known as Part A1 installations and includes waste operations such as the metal recycling or scrap metal, glass recycling and waste wood process in the bulk goods area of the docks. Where a process is controlled by the EA, SCC's powers under statutory nuisance controls are reduced, since SCC would need the permission of the Secretary of State to take a prosecution under statutory nuisance, however SCC still retain its powers to serve abatement notices in the first instance.

15. Where developments take place within the docks that require planning permission, then they are dealt with in a similar way to other planning applications, and EH become consultees to the planning authority, whether it be the planning department, the National Planning inspectorate or the Maritime Management Organisation. Through this process, EH can object with supporting information to the application, recommend approval and condition the approval to make it acceptable or to have no objection to the application at all.

RESOURCE IMPLICATIONS

Capital/Revenue

16. None.

Property/Other

- 17.. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18. The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000

Other Legal Implications:

19. None

POLICY FRAMEWORK IMPLICATIONS

20. Southampton Development Plan

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Bargate; Freemantle; Millbrook; Redbridge.
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SUPPORTING DOCUMENTATION

Appendices

1.	Master Plan
2.	National Government Policy

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out?	No
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Other Background Documents**Equality Impact Assessment and Other Background documents available for inspection at:**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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