



**BRITISH PORTS**  
ASSOCIATION



# Planning 2.0

Unlocking prosperity by improving  
planning and consenting for UK ports

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**Discussion Paper**

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### Version control

Status	Version	Author	Date	Changes
Draft	0.1	R. Ballantyne	15/01/23	Initial draft
Draft	0.2	M. Simmonds	17/01/23	Revised text throughout, style changes and branding added

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The British Ports Association is the national trade body for UK ports and harbours. Our members handle 86% of the UK’s seaborne trade and as well as supporting other important maritime activity from offshore energy to fishing and marine tourism and leisure.

Cover image: Haventus’ Ardesier site, the UK’s largest brownfield port, 2024.

## Executive Summary

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This discussion paper presents a series of options for improving the planning and consenting regimes in the UK to benefit ports, although many of the benefits would apply more widely. It covers terrestrial and marine planning. By making some structural and procedural improvements to these planning rules and processes and consenting resumes policy makers can make the UK a more attractive environment for investment, growth and jobs in our coastal regions, which themselves often suffer from deprivation and unemployment.

These options are presented as a first step in a process of putting forward detailed package of improvements across several regimes. Terrestrial planning is fully devolved and marine planning is largely devolved. This, coupled with the fact that most planning decisions are taken by local planning authorities, means that there are significant differences in both policy and deliver across the UK and across different nations within the UK. This in itself is a challenge although not something discussed at length here.

This paper will be developed in response to different packages of reform and policy development across governments and different departments and will reflect feedback from industry. It does not cover energy connectivity and energy planning, which we are exploring separately. Energy planning and connectivity is critical to future port development as the electrification of port assets and vessels gathers pace as well as the potential need in future to generate clean fuels using electricity.

### Summary of Recommendations

- The National Planning Policy Framework and associated documents in England, and equivalent frameworks elsewhere in the UK such as the National Planning Policy Framework and Scottish Planning Policy in Scotland should be extended to cover more types of development and make clear that port development, particularly where it supports the energy transition or supply chain resilience, is prioritised. It is currently only applicable to Nationally Significant Infrastructure Projects.
- Planning authorities must be better resourced so that they are able to determine applications in a timely manner. Developers can face significant uncertainty concerning the time it will take to secure planning approval. Governments should set and enforce more ambitious planning timelines and targets.
- The benefits of permitted development rights have been eroded over the years. The thresholds for port permitted development should be increased and expanded. Their usefulness is sometimes diluted or removed by the need for pre-approvals or assessments.
- Harbour authorities should be added to the list of statutory undertakers typically exempted from developer agreements, at least for certain types of projects.

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- There should be a review of the process for dealing with certain lower grade heritage assets on operational land, particularly where they are in a state of significant disrepair.
- Port masterplans are considered good practice and encouraged by government. Their use is growing, and they should be given a more formal role in the wider planning system.
- Local Development Orders in England and Wales and Simplified Planning Zones in Scotland are an excellent way to support certain types of development, such as ports. Governments should work with local authorities to increase their use and improve understanding of their benefits.
- The metric for measuring intertidal loss and gain in England should be replaced by a temporary metric. Longer term, biodiversity net gain for intertidal development (across the UK) should be aligned with the marine net gain process. For other types of terrestrial development in England there should be a review on the impact of BNG within 2024 to ascertain the impact on industrial development.
- UK Government should refresh and relaunch the coastal concordat and consider how separate consenting processes can be genuinely combined. We would very much welcome similar initiatives in Scotland, Wales and Northern Ireland.
- Given an expected increase in applications for harbour revision orders in coming years as ports expand to meet significant additional demand, government should consider alternative processes for straightforward harbour revisions.

## Why Planning Matters

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The port sector is independent of government and invests £600m a year, on average, in new infrastructure to handle trade and economic activity across the country. The ports and harbours sector is critical to meeting the Government's net zero ambitions as well as ensuring the UK's continuing resilience. It is therefore vital to have a fit-for-purpose planning and consenting regime to support our industry's ambitions.

A swift and agile planning system is critical to our sector's competitiveness. Ports are obviously fixed in particular locations and therefore unlike other industries that can move to more competitive jurisdictions or areas. Ports are fiercely competitive, against other UK ports and also with European ports. Investors looking for infrastructure or port developments will therefore be considering UK against our competitors, particularly in northern Europe.

The Government's ambitions for offshore renewables will necessitate the building or significant transformation of up to 11 ports in the UK. Failing to do this will, at best, see many of the social and economic benefits of the energy transition accrue to competitor ports and countries in Europe. At worst it threatens the decarbonisation of our energy system. The UK Government

95% of UK's international trade is handled by the maritime sector and so the port industry quite literally provides the entry and exit point for £500bn worth of goods that we import and or export. Almost all freight segments handled by ports are set to grow in the next 30 years, as is our need for electricity and clean energy. This means that new infrastructure will be needed at our ports to handle more cargo and to service offshore energy installations, but such developments will need to be processed quickly so port developers can respond to meet government ambitions. For example, floating offshore wide related developments could need sizeable landside infrastructure and deeper water at ports.

Projects at smaller ports and harbours, which could make tangible improvements to local growth and employment also rely on a responsive and reliable planning system. can often be scuppered by the prospect of disproportionately complex or lengthy planning processes.

## Nationally Significant Projects

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### Prioritising Trade & Energy Activity

**The National Planning Policy Framework and associated documents in England, and equivalent frameworks elsewhere in the UK such as the National Planning Policy Framework and Scottish Planning Policy in Scotland should be extended to cover more types of development and make clear that port development, particularly where it supports the energy transition or supply chain resilience, is prioritised.**

All governments and mainstream political parties value trade, economic growth and levelling-up, all of which are facilitated by ports. However, there is a gap between how these ambitions in these areas come to fruition on the ground. If we want to increase our international trade, manufacturing, and global reach of our exports we need to have a planning system that supports our international gateways.

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95% of UK's international trade is handled by the maritime sector and so the port industry quite literally provides the entry and exit point for £500bn worth of goods that we import and or export. Almost all freight segments handled by ports are set to grow in the next 30 years, as is our need for electricity and clean energy. This means that new infrastructure will be needed at our ports to handle more cargo and to service offshore energy installations, but such developments will need to be processed quickly so port developers can respond to meet government ambitions. For example, floating offshore wide related developments could need sizeable landside infrastructure and deeper water at ports.

National planning frameworks and similar documents are generally well supported by industry but should be applicable to more projects (i.e. not just the biggest schemes) and include a presumption in favour where they support national priorities such as the energy transition or supply chain resilience. Port specific documents should also explicitly recognise the growing importance of non-freight traffic and activity to the ports industry.

## Terrestrial Planning

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### Statutory Planning Timelines and Targets

**Planning authorities must be better resourced so that they are able to determine applications in a timely manner. Developers can face significant uncertainty concerning the time it will take to secure planning approval. Governments should set and enforce more ambitious planning timelines and targets.**

Much of this document, and many other similar papers about improving the planning system, are concerned with speeding up the time it takes to get an approval.

Developers cannot be guaranteed approval but by providing clear and achievable timelines for the planning approval process, investors would have more confidence in committing to projects.

Investment decisions often involve significant financial commitments, and uncertainty in the planning process can deter potential investors. When developers and investors have a reasonable expectation of when planning approvals will be granted, they can make informed financial and strategic decisions. This clarity reduces the perceived risks associated with investments in the UK.

Shorter planning timelines align with the broader goals of attracting investments to the country. In a globalised economy, investors have choices about where to allocate their funds. Nations that offer efficient and streamlined planning processes are more likely to capture investments, driving economic growth and job creation.

Ambitious statutory planning timescales are not just about expediting approvals; they are about creating an environment where investors feel confident, projects are financially viable, and the UK remains competitive on the global stage. By supporting investment, these timescales play a pivotal role in shaping the economic landscape and fostering sustainable development."

Ambition and targets alone will not accelerate the process, however, although we believe they are important. Less than half of non-major projects in England were determined in eight weeks or less in the 24 months to end of September 2023. Councils' spending on planning fell by 43% in the eleven years from 2009/10 to 2020/21. Only one in 10 council planning departments are fully staffed, with 13% operating with fewer than three-quarters of posts filled. The Planning Skills Delivery Fund is welcome but, even if sustained, it will not reverse the problem on its own. Government must urgently address the under-resourcing of terrestrial planning authorities (and licensing bodies for marine licensing).

## Permitted Development

**The benefits of permitted development rights have been eroded over the years. The thresholds for port permitted development should be increased and expanded. Their usefulness is sometimes diluted or removed by the need for pre-approvals or assessments.**

Many port authorities have their own permitted planning rights (PDRs) which enable them to develop without conventional planning approval. These rights have been well used and particularly helpful, previously. However, the threshold for port developments needs increasing and growth in conservation designations around our coast has limited the usefulness of some permitted development. Whilst we have had recent reviews of port PDRs in England and Scotland and there have been some positive changes to the scope for which they can be used, we would like to explore the possibility of increasing project thresholds and how permitted development might be able to co-exist with conservation areas without harming the environment. This will help ports and developers to act in a responsive but responsible way to grow and invest as well as enabling local planning officer casework resources to be freed up used elsewhere.

Port authorities are rooted to their local areas, and unlike others in the travel and infrastructure sectors, ports do not leave their locality and so therefore do not want to alienate their community. This means the sector has built good relations with local stakeholders and grown in a sensitive and mindful way.



## Developer Contributions

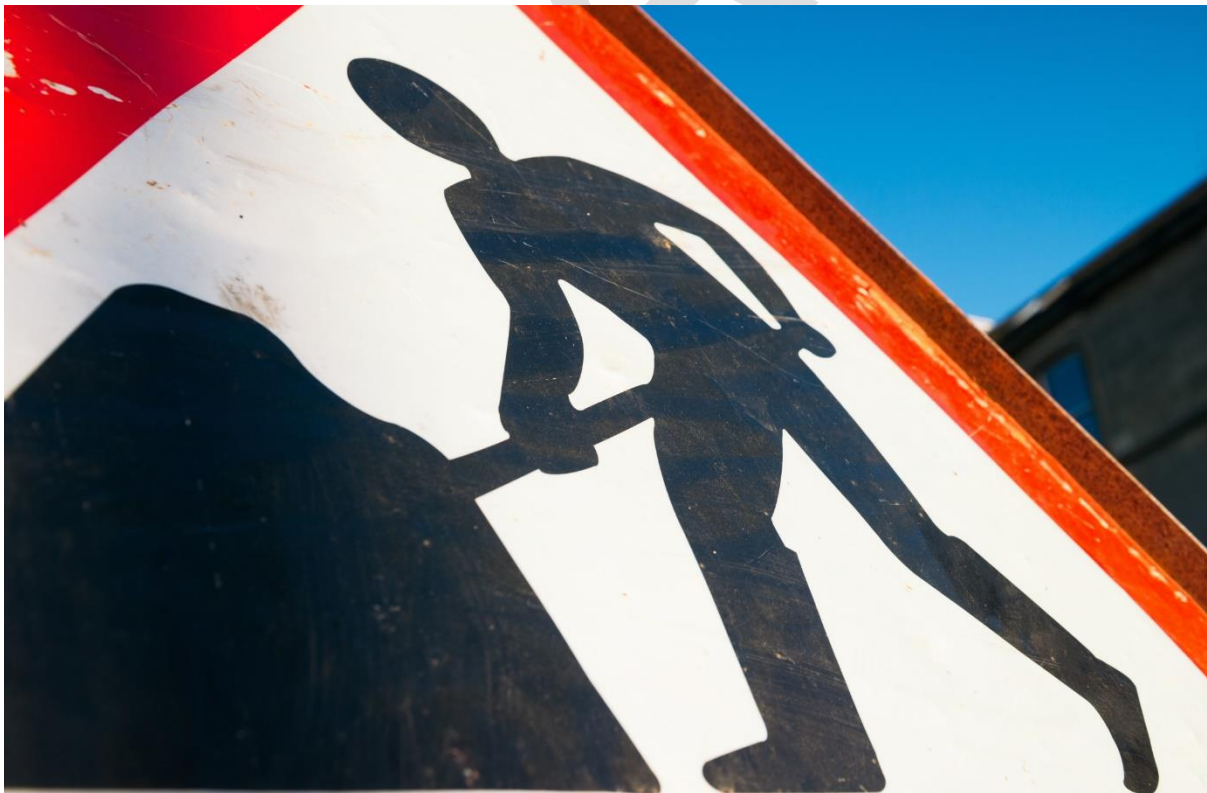
**Harbour authorities should be added to the list of statutory undertakers typically exempted from developer agreements, at least for certain types of projects.**

Port development directly supports economic growth and is often at the heart of the growth of wider marine industries. Unlike many other types of development, it contributes to local economic growth and prosperity and the chilling impact of ambitious developer contributions should be reconsidered.

Developer agreements such as Section 106 agreements in England and Wales, Section 75 agreements in Scotland, Article 40 agreements in Northern Ireland and the new Infrastructure Levy in England and Wales can result in developers paying towards local transport infrastructure or community services.

For port developments, contributions typically go towards local roads schemes but these continue to hamper investment as they can stretch project finance and add extra burdens to developments.

Adding requirements on developers can represent a real barrier to investment. Unlike purely private investments or housing developments, port schemes do not directly impact public services and are typically beneficial to a locality in terms of economic development. These kinds of developments should not be discouraged by planning authorities.



## Heritage Designations

**There should be a review of the process for dealing with certain lower grade heritage assets on operational land, particularly where they are in a state of significant disrepair.**

Many ports have been in existence for hundreds of years and will have historic buildings and infrastructure on or near to operational land. This can present challenges for terrestrial expansion where there are heritage listings or conservation status.

In a modern port environment quite often, these historic buildings are not suitable for use without significant investment or may be unsuitable for current or future operational needs. Our industry is rightly proud of our industrial heritage and there are many examples of ports maximising or repurposing such assets. There does need to be some flexibility on this however and we would welcome guidance or a review of the process around delisting and managing heritage assets that, for one reason or another, have fallen into a state of disrepair.



*Image: How the Old Customs House will look once renovated by Montrose Port Authority. Ports are proud of their industrial heritage and there are many examples like this of working with or repurposing historic buildings, but the heritage system can sometimes stymie significant development.*

## Master Planning

**Port masterplans are considered good practice and encouraged by government. Their use is growing, and they should be given a more formal role in the wider planning system.**

Many ports have produced their own medium and long-term master plans which are useful strategic exercises. They can sometimes lack recognition from local, regional or national planners, however.

The Department for Transport has aspirations to review its own port master planning guidance. A review should consider a requirement for local, regional and national bodies to give proper recognition of such plans and attempt to embed them into their long-time economic objectives. This would mean that port development could be incorporated into local and regional development delivery mechanisms, covering everything from transport connectivity to the resource of local public services, as well as becoming a feature of regional economic development.

## Local Development Orders

**Local Development Orders in England and Wales and Simplified Planning Zones in Scotland are an excellent way to support certain types of development, such as ports. Governments should work with local authorities to increase their use and improve understanding of their benefits.**

The use of local development orders (LDOs), which provide permitted development for specified types of development in defined locations such as industrial zones around ports, as a tool for attracting inward investment and development is extremely attractive to inward investors, manufacturers and other developers.

Local planning authorities can, in practice, be reluctant to grant what is effectively a pre-approved planning framework. The majority of port development does not directly conflict with residential areas and so should generally be considered less of a political or actual risk for using LDOs.

## **Biodiversity Net Gain/Net Benefit**

**The metric for measuring intertidal loss and gain in England should be replaced by a temporary metric. Longer term, biodiversity net gain for intertidal development (across the UK) should be aligned with the marine net gain process. For other types of terrestrial development in England there should be a review on the impact of BNG within 2024 to ascertain the impact on industrial development.**

The ports industry supports using the planning system to reverse the decline in biodiversity across the UK and has worked at length on proposals to implement this in England. If implemented properly, net gain/net benefit has the potential to play a huge role in meeting the UK Government's ambition to halt biodiversity loss by 2030.

We are, however, alarmed at the way biodiversity net gain is being implemented for intertidal development in England. England's biodiversity metric for intertidal projects came into force in January 2024 and we believe it will be catastrophic for port development in England. We have discussed this at length with government and provided examples of the extraordinary and disproportionate outcomes it can produce.

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## Cross-Cutting & Wider Issues

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### Coastal Concordat

**UK Government should refresh and relaunch the coastal concordat and consider how separate consenting processes can be genuinely combined. We would very much welcome similar initiatives in Scotland, Wales and Northern Ireland.**

Defra introduced the coastal concordat in 2013 to improve the coordination of consents for coastal development in England. It was designed to streamline the process for obtaining various permissions, licenses, and consents for coastal projects, making it more straightforward and efficient.

The Concordat involves a range of consenting bodies, including the Marine Management Organisation, Environment Agency, local planning authorities, and Natural England. Its goal is to provide a more coordinated and cohesive approach to consenting coastal development, ensuring better communication and collaboration between the different bodies involved in the process.

It was a welcome and popular idea, but it has not been successful in its rollout partly because the applications remain singular processes and are not truly joined up. The concept is particularly attractive to ports, which are often undertaking development across the terrestrial and marine planning systems. It would take a lot of will and attention, but in the future a singular process for port authorities might work better and enable both industry and government work better together. We would like to see this explored across all four regions of the UK.

### Harbour Orders

**Given an expected increase in applications for harbour revision orders in coming years as ports expand to meet significant additional demand, government should consider alternative processes for straightforward harbour revisions.**

Harbour authorities are established by and operated under their own legislation which sets out their status, powers and duties. Ports must seek a harbour revision order to amend their powers but also to expand their harbours, which is often necessary with certain infrastructure developments.

The process is typically well known and well-managed but as with other government functions it does need to be suitably resourced and there have been instances at different times in different parts of the UK of significant delays developing.

We are keen to explore how harbour authorities may be delegated powers to avoid regulators consenting too many or additional applications. For example, ports can utilise General Direction-making powers which can give them the ability to create their own rules, within their areas, often bypassing the need to have or amend harbour bylaws which can be historical or involve complicated processes with government.