

The Newport Harbour Commissioners

Policy & Strategic Objectives Document



January 2012

The Newport Harbour Commissioners

Policy Document

This revised version of the original document has been up-dated to reflect the revision of the Port Marine Safety Management System undertaken in January 2012. This Policy document takes account of recommendations contained in the second edition of [Modernising Trust Ports](#)

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PART I

1. FOREWORD

- 1.1 This policy document was prepared on behalf of **The Newport Harbour Commissioners** following consultation with the **Advisory Body** which was established in accordance with the terms of the **Newport (South Wales) Harbour Revision (Constitution) Order, 2003** (“HRO”).
- 1.2 The limits of The Newport Harbour Commissioners’ area of jurisdiction are as defined in the HRO (see British Admiralty chart No.1176).
- 1.3 Much of the plan relates to the River Usk and its approaches, including :-
Lower Usk. SSSI
Severn Estuary. SPA
Severn Estuary. pSAC
The Shoreline Management Plan
- 1.4 The Lower Usk SSSI borders the lesser rivers Ebbw, Afon Lwyd and Sor Brook which also come under the jurisdiction of Newport Harbour Commissioners as far as the recognised tidal high water mark.
- 1.5 The local authority of Newport City Council has responsibilities covering the lower reaches of the river, with Monmouthshire County Council covering the upper reaches as far as Newbridge-on-Usk.
- 1.6 The Newport Harbour has an exceptionally large tidal range (11.8 metre mean spring range). Its natural features include mud flats, sand banks, and salt marshes.
- 1.7 The Newport Harbour is traversed by the following bridges: -
Newbridge (the limit of jurisdiction)
Caerleon, B4596
Newport to Manchester railway bridge
M4 bridge & link roads
London to Fishguard railway bridge
The Town bridge
George Street bridge
The Southern Distributor bridge.
The Newport Transporter crossing.

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- 1.8 The Newport Harbour currently handles between 1,200 and 1,350 ships per year carrying a variety of imports and exports including steel, agri bulks, solid fuels, timber and plywood, glass, scrap, sand, and specialised project cargoes. There is currently no tanker traffic apart from bunkering vessels.
- 1.11 The UK Government, on 10th January 2000, published new National Standards for Trust Ports. These required The Newport Harbour Commissioners to amend their constitution and their management structure. The new Harbour Revision Order gave effect to the changes.
- 1.12 This Policy document lays down policies to be followed by The Newport Harbour Commissioners in carrying out their duties and responsibilities. The Commissioners keep the document under review to ensure that it reflects any changes which may be expected to occur from time to time. This policy document is fully adopted by the Newport Harbour Commissioners Port Marine Safety Management System document .

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2. BACKGROUND

- 2.1 The Newport Harbour Commissioners were originally constituted as a Statutory Harbour Authority in 1836 under the Newport (Monmouthshire) Harbour Act, and comprised some 36 Commissioners.
- 2.2 The new constitution (effective 1st November 2003) comprises 8 Commissioners appointed in accordance with the provisions of the Harbour Revision Order 2003.
- 2.3 The Commissioners generally meet monthly and are responsible for the overall strategy and performance of the Harbour Authority.
- 2.4 The Commissioners have wayleave agreements appertaining to onshore aids-to-navigation (marks and lights), including the East Usk lighthouse.
- 2.5 The limits of jurisdiction of The Newport Harbour Commissioners are defined by the Harbour Revision Order 2003. The seaward limit is defined by a line drawn from Goldcliff Point to the shore at Peterstone Wentlooge Church, and the inland limits are defined by (1), the road bridge crossing of the river Usk at Newbridge-on-Usk, and (2), the rail bridge crossing of the river Ebbw at Maes Glas.
- 2.6 Commercial shipping within Newport Harbour comprises mainly cargo vessels arriving at and departing from the enclosed Alexandra Dock (via the South Lock) as well as the river berths. Both the enclosed dock and the river berths are operated by private sector companies. It should be noted that the Commissioners do not own, operate, or manage any docks, quays or loading/unloading facilities. Small numbers of leisure craft transit the river, operating from either private structured facilities (two clubs exist), or from private river bank berths.
- 2.7 The Newport Harbour Commissioners are an independent statutory body being classed by Her Majesty's Government as a Trust Port and, as such, the doctrine of "ultra vires" applies to them. They derive their powers from general legislation and from local acts and orders. The Commissioners aim to break even, taking one year with another, and any profits must be re-invested for the benefit of the Harbour and stakeholders. The Commissioners are, however, able to maintain reserves as they see fit.
- 2.8 The Commissioners, as the Statutory Harbour Authority (SHA), are the Competent Harbour Authority (CHA) for the Newport Harbour pursuant to the Pilotage Act 1987. Their main duties and responsibilities are (1) the conservancy of the harbour (including the marking and maintenance of navigable channels), (2) the regulation of harbour activities, and (3) the provision of a pilotage service.

3. STRATEGIC OBJECTIVES

- 3.1 The Newport Harbour Commissioners will undertake and regulate marine operations so as to safeguard the harbour, its users, the public and the environment.
- 3.2 The Commissioners aim to run a safe, efficient, cost-effective, sustainable harbour operation for the benefit of all users and the wider community.
- 3.3 The Commissioners will fulfil their legal responsibilities whilst meeting the changing needs of all harbour users.
- 3.4 The Commissioners aim to maximise the quality and value for money of their services, and will strive to maintain dues at a competitive level so as to attract users to the harbour.
- 3.5 The Commissioners will meet the national requirements of the "Port Marine Safety Code".
- 3.6 The Commissioners will adhere to guidance issued by the Department for Transport in the second edition of its document entitled "Modernising Trust Ports".
- 3.7 The Commissioners will consult their Advisory Body on all matters substantially affecting the management of harbour operations.

4. BOARD MEMBERS

- 4.1 The Harbour Revision Order sets out the new constitution in line with guidelines contained in the Department for Transport's publication "Modernising Trust Ports".
- 4.2 The constitution explains the appointment process for the new Board. Briefly, members are sought to provide a mix of experience on the Board including, but not necessarily limited to:- (a) the management of harbours;
- shipping;
 - appropriate commercial or industrial experience;
 - financial management;
 - administration;
 - sport and recreational use of the harbour;
 - environmental matters affecting harbours;
 - specific knowledge of or interest in the local community and wider community in the economic and social context within which the Commissioners operate;
 - tourism and leisure; and
 - any other skills and abilities considered from time to time by the Commissioners to be relevant to the discharge by them of their functions.
- 4.3 The Board of Commissioners consists of 8 members, namely:-
5 members appointed by the Commissioners (including a Chairman);
2 members nominated by the Newport City Council and appointed by the Commissioners; and an officer employed by the Commissioners.
Note :- The Board may at any time co-opt one additional person to serve as a Commissioner for up to twelve months.
- 4.4 Board members will typically serve for a period of three years after which they may apply for re-appointment. Vacancies, where they occur, will be advertised.
- 4.5 The Board may form sub-committees as it sees fit.
- 4.6 The list of Board members (at the date of this document) is set out in Appendix 2 on page 22.

5. CONSULTATION GROUP

5.0 The Harbour Revision Order makes provision for the establishment of an Advisory Body.

5.1 The Advisory Body comprises representatives from the various bodies and organisations using, operating within, or having an interest in Newport Harbour.

5.2 In forming the group, relevant bodies and organisations were contacted by the Commissioners and invited to nominate one person each to become a member of the Advisory Body.

5.3 The following organisations currently have a seat on the Advisory Body:-

- Associated British Ports
- Birdport Limited
- Cogent Power Limited
- Tata Strip Products
- Environment Agency Wales
- Gloucester Harbour Trustees
- Institute of Chartered Shipbrokers
- MIR Steel UK Limited
- Newport City Council
- Newport Transport Limited
- Newport Uskmouth Sailing Club
- RMC Aggregates (South Wales) Limited
- Royal Yachting Association
- Severn Sands Limited
- Svitzer PT Limited
- United Marine Aggregates Limited
- W.E. Dowds Limited
- SMS Bristol Channel Towage Limited

5.4 The proceedings of the Advisory Body are conducted in accordance with paragraph 12 of the Harbour Revision Order.

5.5 In accordance with the provisions of the Harbour Revision Order, the Advisory Body has its own appointed Chairman and determines its own quorum and procedures.

5.6 The Commissioners have made arrangements for The Clerk to The Commissioners or, in his/her absence, a substitute to provide the following administrative support: -

- a) preparing the agenda for meetings in consultation with the Chairman of the Advisory Body and circulating the same together with any accompanying reports to members of the Advisory Body and local newspapers;
- b) attending meetings of the Advisory Body to make a note of the matters discussed and decisions reached;
- c) preparing, in consultation with the Chairman of the Advisory Body, a report of the proceedings, and circulating the same to the members of the Advisory Body, the Commissioners, and local newspapers.

- 5.7 A person who is a Commissioner shall not be appointed to the Advisory Body. Any Commissioner may, at the request of the Chairman or in his absence the Vice Chairman of the Advisory Body, attend a meeting of the Advisory Body in order to make a statement by way of explanation or to answer members' questions, but shall not otherwise speak or vote on matters under consideration.
- 5.8 The inaugural meeting of the Advisory Body took place on 12th January 2004 with two further meeting being held during that year. The Body now meets not less than twice a year.

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6. SAFETY

Safety Policy 1

The Newport Harbour Commissioners recognise and accept that in carrying out their statutory duties and responsibilities, safety must be of paramount importance. The Commissioners aim to minimise the risk of accidents to vessels navigating within the Newport Harbour so far as is reasonably practicable.

Safety Policy 2

The Newport Harbour Commissioners will manage safety and will maintain a safety management system for marine operations in their waters, developed after formal risk assessment.

Safety Policy 3

Newport Harbour Commissioners will ensure that safety implications are taken into account in all aspects of their work.

Safety Policy 4

Newport Harbour Commissioners are committed to making provision for the health and safety of their employees (including those for whom they are responsible).

Safety Policy 5

- Newport Harbour Commissioners will, in relation to health and safety,
- comply with their statutory duties;
- ensure that their employees are provided with
 - a safe and secure place of work,
 - a safe system of work,
 - safe and suitable equipment with which to undertake their work,
 - support and training;
- ensure that contractors and suppliers have health and safety policies relevant to the nature of the work being undertaken;
- require all accidents to employees arising during the course of their duties to be logged in an accident book;
- investigate all accidents to their employees which arise during the course of their duties and initiate any new procedures necessary to prevent a recurrence;
- arrange for their health and safety policy to be reviewed at regular intervals of not more than one year.

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7. DEVELOPMENT

Development Policy 1

The Newport Harbour Commissioners will consider supporting the issuance of licences for works which are considered appropriate to harbour locations provided that:-

- the works do not adversely affect the main navigation channel or the existing tidal and sedimentary regime of the rivers and estuary;
- the works will have the consent/approval of any other organisations/agencies which have to be consulted;
- Marine environment policies are not compromised.

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8. CONSERVANCY

Conservancy Policy 1

Newport Harbour Commissioners will continue to provide/maintain and, where appropriate, update aids to navigation in support of the safety of navigation within the Newport Harbour in accordance with their conservancy and local lighthouse duties. This undertaking is in line with guidance given in the PMSC, and meets with the requirements of Trinity House (as the General Lighthouse Authority).

Conservancy Policy 2

The Newport Harbour Commissioners will fix rates and raise dues to pay for the discharge of their legal obligations.

- a) The right to use a harbour for the shipping and unshipping of goods, or the embarkation or disembarkation of passengers, is subject to the payment of dues.
- b) Harbour authority boards must ensure that adequate resources are available to discharge marine safety obligations, and to set dues accordingly.
- c) It is obligatory for the purposes of meeting the standard (set out in the PMSC) that measures are taken to reduce all risk associated with port marine operations as low as reasonably practicable.
- d) It is not acceptable for dues to be set – and exceptions, special rates and waivers agreed – which compromise this obligation.

Harbour authorities have powers to collect dues from users to pay for the discharge of their statutory functions. There are related obligations to publish dues and to keep accounts.

Conservancy Policy 3

Newport Harbour Commissioners will ensure that adequate resources are provided to enable the effective operation of policies, procedures, and systems. This provision will include adequate resources for training.

Conservancy Policy 4

Newport Harbour Commissioners will issue Notices to Mariners as and when appropriate giving information and guidance about matters affecting, or likely to affect, navigation within the Newport Harbour.

Conservancy Policy 5

Where there is a wreck in, or near the approaches to, a harbour, which is likely to become a danger to navigation, the harbour authority may take possession of, remove or destroy it. They may also light or buoy it until it is raised, removed or destroyed.

Newport Harbour Commissioners and their Harbour Master will exercise their wreck marking and removal powers where, in their opinion, a wreck is – or is likely to become – an obstruction or danger to navigation. The Commissioners will have due regard for the protection of the environment in the exercise of this and all other duties and powers.

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9. MARINE ENVIRONMENT

Part 1 Nature Conservation

- 9.1 Harbour Authorities have a general duty under the Harbours Act 1964 as amended by the Transport and Works Act 1992 to exercise their functions with regard to nature conservation and other related environmental considerations. The Conservation (Natural Habitats etc.) Regulations 1994 for European Sites place obligations on Newport Harbour Commissioners as the Statutory Harbour Authority.
- 9.2 The statutory authorities for nature conservation are the Countryside Council for Wales (CCW) and the Environment Agency (EA). The Newport Harbour Commissioners discharge their statutory responsibilities towards the SPA/pSAC through their membership of ASERA (The Association of Severn Estuary Relevant Authorities). There are also several non-statutory bodies which have an interest in the rivers.
- 9.3 Whilst acknowledging the importance of preserving and enhancing the natural habitat flora and fauna, it must be recognised that The Newport Harbour Commissioners are a navigation authority with a duty to manage and maintain the delicate balance between conservation and the right of public use of waters for navigation within the Newport Harbour.
- 9.4 The national and international importance of the Rivers Severn and Usk has been recognised by their nature conservation designations.
- 9.5 Parts of the Newport Harbour support large populations of migratory bird life.

Marine Environment Policy 1

- A. The Newport Harbour Commissioners are committed to ensuring best practicable protection of the environment within their area of jurisdiction commensurate with their overall vision, without involving excessive costs.

The Board fully endorses the principles contained in the European Sea Ports Organisations- Environmental Code of Practice and is pledged to work towards a cleaner environment through the maintenance and improvement of existing arrangements and the implementation of effective internal management strategies, co-operation with relevant authorities and consultation with users and interested groups.

Newport Harbour Commissioners recognise the special position of the harbour as a natural asset and will continue to promote its sustainable use, balancing the demands of its natural resources against those driven by human endeavour, and will seek to assist in resolving any conflicts of interest.

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- B. Newport Harbour Commissioners will not support the issuance of licences for works which, in their opinion, will cause irreparable damage to conservation interests.
- C. Newport Harbour Commissioners will not support any dredging proposals which do not conform with their Dredging Policies (contained in Section 10).

- D. Newport Harbour Commissioners will not support activities unconnected with legitimate acts of navigation which have a long-term detrimental effect on the natural ecological and environmental balance of the Newport Harbour, unless over-ridden by H M Government agencies through reasons of national interest.

Part II Prevention of Pollution

- 9.6 Harbour Authorities and their Harbour Masters have statutory powers to deal with the prevention of pollution under the Merchant Shipping Act 1995. Guidance on this subject is contained in the Port Marine Safety Code.
- 9.7 Harbour Authorities have a duty pursuant to the Regulations on Oil Pollution to prepare plans to deal with oil spills. The Newport Harbour Commissioners have Contracted ABP to respond and manage Oil spill response on their behalf. To this end, the NHC OSCP was incorporated into the ABP South Wales Regional OSCP in January 2012.
- 9.8 Harbour Authorities have a duty to ensure that facilities are provided for the reception of waste from ships.
- 9.9 It is an offence under the 1836 Act to discharge any matter, or to cause or permit any polluting matter to be discharged into the waters or onto the bed of the Newport Harbour or to permit any matter to be placed so that it may fall, be blown, drift or flow into the Newport Harbour.

Marine Environment Policy 2

Newport Harbour Commissioners will support the requirement for the provision of regulated waste reception/disposal facilities at all river berths.

Marine Environment Policy 3

Newport Harbour Commissioners will meet their obligation in relation to the Oil Spill Contingency Plan.

Marine Environment Policy 4

Newport Harbour Commissioners will support regular reviews and updating of the above plans by the issuing authorities, and will co-operate in any exercises organised to test their efficacy.

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10. DREDGING

10.1

The main navigation channel leading from the outer approaches to the Alexandra Dock was constructed by the original Dock owners under Section 4 of the **Alexandra (Newport and South Wales) Docks and Railway** Act of 1906. Maintenance dredging of the channel is the joint responsibility of the Dock owners (Associated British Ports) and The Newport Harbour Commissioners. The work is currently undertaken by ABP, with The Harbour Commissioners contributing towards the costs. In order to protect the rights of The Commissioners, a “Joint Committee on Channel Dredging” (JCCD), was formed as a statutory body in 1916.

The Joint Committee on Channel Dredging comprises 3 representatives of Newport Harbour Commissioners together with 3 representatives of Associated British Ports. The Committee meets every three months to consider the results of monthly hydrographic surveys, and so to determine the channel dredging programme.

- 10.2 Private berth and dock owners are responsible for their own maintenance dredging and should inform Newport Harbour Commissioners that all necessary authorisations are in place before commencement of operations.

Applications for capital dredging schemes to improve private berth facilities will be considered by The Newport Harbour Commissioners (as consultees). Such scheme proposals will normally be supported provided that :-

- there is no expectation that the works will adversely effect the regime of the river, having particular regard to the main navigation channel;
- the resultant works will not compromise safe access;
- all necessary authorisations/licences are in place.

The Newport Harbour Commissioners will not contribute financially to such schemes.

10.3 Dredge Policy 1 – Maintenance Dredging

The Newport Harbour Commissioners acknowledge the need for maintenance dredging within active docks and berths and will support licensed operations to maintain acceptable working depths for the safety of shipping within Newport Harbour.

Dredge Policy 2 – Routine Maintenance Dredging

The Newport Harbour Commissioners will support Associated British Ports in exercising their powers to undertake routine maintenance dredging of the main navigation channel within the Newport Harbour as and when necessary to maintain acceptable and publicised depths.

Dredge Policy 3 – Capital Dredging

Subject to the conditions stipulated above (10.2.1) The Newport Harbour Commissioners will support capital dredging proposals which are designed to increase trade through improved facilities for shipping.

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11. PILOTAGE

11.1 In an agreement dated 9th December 1998, the Newport Harbour Commissioners arranged for all of their functions relating to pilotage, other than their duty under section 2(1) of the 1987 Act, to be exercised on their behalf by Associated British Ports.

11.2 Newport Harbour Commissioners retain their responsibilities as set out in Section 2(1) of the Pilotage Act 1987.

11.3 Section 2(1) of the Pilotage Act 1987 states:

“Each Competent Harbour Authority shall keep under consideration: -

- whether any and, if so, what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to its harbour; and
- whether in the interests of safety pilotage should be compulsory for ships navigating in any part of that harbour or its approaches and, if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships”.

Pilotage Policy 1

Having regard to the Pilotage Directions issued by Associated British Ports, including the requirement for compulsory pilotage, The Newport Harbour Commissioners will, so far as it is operationally practicable, arrange for pilotage services to be provided to vessels navigating within the Newport Harbour.

Pilotage Policy 2

The Newport Harbour Commissioners will co-operate with Associated British Ports to ensure that sufficient authorised pilots are available to fulfil their statutory responsibilities identified in 11.4 above.

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12. MANAGEMENT OF NAVIGATION

- 12.1** Information on all programmed traffic movements within the Harbour and its approaches is available from Cardiff LPS on request.

Management of Navigation Policy 1

The Newport Harbour Commissioners will, for the foreseeable future, continue to use the services of ABP (South Wales) for vessel traffic management, communications, and the monitoring of vessel movements. The arrangement will be reviewed every 5years.

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13. RECREATION AND LEISURE

- 13.1 The extreme tidal range of the river Usk presents considerable risk to all users, particularly those in small craft. It follows that great care is required when navigating within the Newport Harbour area.
- 13.2 Craft should be manned by competent persons, and equipped with suitable safety equipment.
- 13.3 Cardiff LPS (on behalf of the Harbour Master) can offer helpful advice to newcomers.

Recreation Policy 1

The Newport Harbour Commissioners will support the use of Newport Harbour for sport, recreation and leisure activities provided that craft: -

- are suited to their intended use;
- are in the charge of competent persons with adequate local knowledge;
- are equipped with appropriate safety equipment as recommended by the MCGA, (Note: pleasure craft of 13.7 metres length and greater are subject to statutory rules);
- comply with the International Collision Regulations, Newport Harbour Byelaws, and any General Directions issued by The Newport Harbour Commissioners;
- keep clear of commercial traffic on passage to or from Newport Docks or any river berths within Newport Harbour. Due allowance must be made for large (hampered) vessels which are restricted in their ability to manoeuvre;
- have regard for other users, as required by the ordinary practice of good seamanship;

and that event organisers (of regattas, competitions, etc.):-

- advise the Harbour Master of their intentions in good time, and
- make adequate provision for safety based upon a proper risk assessment of the intended activities.

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14. STAFF

Staff Policy 1

Newport Harbour Commissioners will appoint or contract competent staff, and will ensure that such staff receive, or have received, health and safety training appropriate to their duties.

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APPENDIX 1
LIST OF CONTACTS

Chairman

Mr C P Crick (contact via the Clerk to the Commissioners)

The Secretary – c/o Walter Hunter & Co

J Rhodes 24 Bridge Street Tel – 01633 265702
Newport Fax – 01633 258431
South Wales e-mail : jrhodes@walterhunter.co.uk
NP20 4SF

Clerk to the Commissioners

Jill Lloyd 24 Bridge Street Tel – 01633 265323
Newport Fax – 01633 258431
South Wales e-mail : jlloyd@walterhunter.co.uk
NP20 4SF

The Harbour Master

Newport Harbour Commissioners, Harbour Master

ABP South Wales Tel – 0845 6018 870
Queen Alexandra House Fax – 02920 835006
Cargo Road e-mail : southwalesradio@abports.co.uk
Cardiff
CF10 4LY

Designated Person

Mr William Heaps Contact through NHC Marine Officer or Harbourmaster

Cardiff LPS

Tel: 0845 6018 870
Fax: 02920 835006
e-mail: southwalesradio@abports.co.uk

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APPENDIX 2

CURRENT LIST OF COMMISSIONERS*

- 1) Colin **Crick** (Chairman)
- 2) Peter **Davies**
- 3) Stephen **Davison**
- 4) Charles **Dowds**
- 5) Gabriel **Jug** (Vice Chairman)
- 6) Spyros **Kopitsis**
- 7) Jeff **Neale** (Marine Manager)
- 8)
- 9)

A Register of Members' Interests is available for public inspection by contacting the Clerk to the Commissioners.

APPENDIX 3

GLOSSARY

<u>Reference</u>	<u>Definition</u>
ABP	Associated British Ports
CCW	Countryside Council for Wales
CHA 1987)	Competent Harbour Authority (pursuant to part 1 of the Pilotage Act 1987)
COMAH	Control of Major Accidents and Hazards
DOT	Department of Transport
Newport Harbour Byelaws	Byelaws made by Newport Harbour Commissioners (1982 HRO), as confirmed by the Secretary of State 1990.
JCCD	Joint Committee on Channel Dredging
NHC	The Newport Harbour Commissioners
NHMP	Newport Harbour Management Plan
Newport Harbour	the area within the limits defined in Interpretation 2 of the Newport (South Wales) Harbour Revision (Constitution) Order 2003
HA	Harbour Authority , as defined in the Harbour Act 1964.
HRO (2003)	The Newport (South Wales) Harbour Revision (Constitution) Order
Harbour	a harbour as defined in the Harbours Act 1964
Harbour Master	the Duty Harbour Master (as appointed by ABP)
Main channel	the main navigation channel as defined on Admiralty Chart No 1176
LPS	Local Port Services
MCGA	Maritime & Coast Guard Agency
NNR	National Nature Reserve

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OPRC	International Convention on Oil Pollution Preparedness Response and Co-operation 1990.
OSCP	Oil Spill Contingency Plan
PMSC	Port Marine Safety Code
SSSI	Site of Special Scientific Interest
SAC	Special Area of Conservation, (pSAC = proposed SAC)
SHA	Statutory Harbour Authority
SPA	Special Protection Area, (pSPA = proposed SPA)
The 1987 Act	Pilotage Act 1987

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