

**WELSH GOVERNMENT
HARBOURS ACT 1964 (AS AMENDED)**

**PROPOSED PORT TALBOT HARBOUR
(EXTENSION OF LIMITS) HARBOUR REVISION
ORDER 202[X]**

**STATEMENT IN SUPPORT OF APPLICATION
FOR ORDER BY:**

ASSOCIATED BRITISH PORTS

1.	INTRODUCTION.....	3
2.	ASSOCIATED BRITISH PORTS AND PORT TALBOT HARBOUR.....	5
3.	THE PORT MARINE SAFETY CODE, A GUIDE TO GOOD PRACTICE ON PORT OPERATIONS AND MARINE PLANS.....	7
4.	THE HARBOURS ACT 1964.....	10
5.	NEED AND JUSTIFICATION FOR HRO.....	12
6.	PRE-APPLICATION CONSULTATION AND ENGAGEMENT.....	16
7.	CONCLUSION.....	22

APPENDICES

APPENDIX A: PUBLIC CONSULTATION MATERIAL

APPENDIX B: SCHEDULE OF CONSULTATION FEEDBACK AND THE APPLICANT'S RESPONSE

1. INTRODUCTION

- 1.1 This statement relates to the application by Associated British Ports (“ABP”) for the proposed Port Talbot Harbour (Extension of Limits) Harbour Revision Order 202[X] (“HRO”). ABP is the statutory harbour authority for Port Talbot Harbour.
- 1.2 The application, made in a letter to Welsh Ministers dated 20 July 2023 is accompanied by:
- (a) 1 copy of the draft HRO;
 - (b) 6 copies of the plan referred to in the HRO
 - (c) 1 copy of this statement;
 - (d) a Welsh translation of the draft HRO and this Statement; and
 - (e) copies of the following legislation:
 - Port Talbot Railway and Docks Act 1894;
 - Port Talbot Railway and Docks Act 1914;
 - British Transport Docks Act 1964;
 - British Transport Docks Act 1971;
 - Associated British Ports Act 1990; and
 - The Harbour Directions (Designation of Harbour Authorities)(No.2) Order 2015.
- 1.3 The application is for a harbour revision order to be made under the powers conferred by Section 14 of the Harbours Act 1964 (“HA 1964”) which in Wales have been transferred to Welsh Ministers by the Wales Act 2017.
- 1.4 This submission is made following notice of intention to submit an Application to Welsh Ministers issued on 13 July 2023.
- 1.5 The HRO provides for the extension of the harbour limits of Port Talbot Harbour into Swansea Bay to include the land shown on Plan 1 within the jurisdiction of ABP as statutory harbour authority. It provides for ABP’s statutory responsibilities to be extended over the proposed new limits. The extension is required to specifically to address concerns of navigational safety in relation to specific anchorage and pilotage issues, and more generally to support the effective management of Port Talbot Harbour in an efficient

and economical manner for the purpose of section 14(2)(b) of the HA 1964 and as recommended in the Port Marine Safety Code.

Structure of this Statement

1.6 The remainder of this Statement is structured as follows:

- Section 2 sets out the legislative context to Associated British Ports, as the statutory harbour authority, and the existence of Port Talbot.
- Section 3 summarises the Port Marine Safety Code that applies to ABP and is relevant to the proposed extension to the harbour limits.
- Section 4 summarises the 1964 HA and the pertinent sections to this Harbour Revision Order.
- Section 5 sets out the need and justification for the HRO, which is primarily driven by navigational safety requirements.
- Section 6 explains the pre-application consultation and engagement undertaken prior to the submission of this application. This section is supported by Appendix A and Appendix B containing a copy of the public consultation material, along with the feedback received and the Applicant's response.
- Section 7 summarises the need for the HRO.

2. ASSOCIATED BRITISH PORTS AND PORT TALBOT HARBOUR

- 2.1 ABP is the statutory harbour authority for the Port Talbot Harbour, as well as for a number of other ports around the United Kingdom. The harbour undertaking inherited by ABP from the British Transport Docks Board (see para 2.10) includes the powers and duties conferred by local legislation in relation to Port Talbot Harbour, as set out below.
- 2.2 An Act for improving the Port and Harbour of Aberavon in the County of Glamorgan in 1834 established the Aberavon Harbour Company and authorised the construction of piers, breakwaters and other works to improve the facilities of the harbour formed by the estuary of the River Avon.
- 2.3 The Aberavon Port and Harbour Act 1836 provided for the Aberavon Harbour Company to be known as the Port Talbot Company and authorised the construction of the Old Dock and alterations to the entrance of the port. The powers of the company were subsequently extended by the Port Talbot Company Act of 1840.
- 2.4 Thereafter, the Port Talbot Company became the Port Talbot Railway and Docks Company pursuant to the Port Talbot Railway and Docks Company Act 1894, which Act authorised significant new building work including two piers, a new dock and an entrance lock.
- 2.5 The limits of the harbour were extended and defined by the Port Talbot and Railway and Docks Act 1899. The Port Talbot Railway and Docks Act 1914 authorised further extension of the piers at Port Talbot and the construction of a new entrance lock.
- 2.6 The Port Talbot Railway and Docks Company was absorbed into the Western Group under the Great Western Railway pursuant to the Railways Act 1921, and the port passed into the ownership of the British Transport Commission pursuant to the British Transport Act 1947.
- 2.7 The British Transport Docks Act 1964 authorised the construction of two new breakwaters so as to form the large tidal harbour. The harbour limits were extended to include an approach channel by section 19 of the British Transport Docks Act 1971.
- 2.8 The port was transferred to the British Dock Board when nationalised transport undertakings were reorganised under the Transport Act 1962 and is listed as one of the Dock Board's harbours in Part 2 of Schedule 3 to that Act. By virtue of section 5(1) of

the Transport Act 1981, the British Transport Docks Board was reconstituted as Associated British Ports.

- 2.9 Section 16 of the Associated British Ports Act 1990 authorised an extension of the harbour limits, but only in respect of the powers of the harbour master and not for any other purposes, that is it did not extend the full jurisdiction of the harbour authority over the new limits. The Act also authorised an extended approach channel in which powers were taken to dredge.
- 2.10 The Harbour Directions (Designation of Harbour Authorities) (No. 2) Order 2015 designated the harbour authority of Port Talbot Harbour as a designated harbour authority for the purpose of harbour directions, at paragraph 12 of Schedule 1 to that Order in respect of the harbour limits as defined in the Port Talbot and Railway and Docks Act 1899 and extended by the British Transport Docks Act 1971.

3. THE PORT MARINE SAFETY CODE, A GUIDE TO GOOD PRACTICE ON PORT OPERATIONS AND MARINE PLANS

3.1 As the harbour authority for Port Talbot Harbour, the Port Marine Safety Code (“Code”), published November 2016 by the Department for Transport (“DfT”) and endorsed by the devolved administrations, applies to ABP as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK.

3.2 The Executive Summary to the Code explains that:

“The Code has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbours or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope.”

3.3 The Code, as well as the supporting document A Guide to Good Practice on Port Marine Operations, February 2018 (“Guide”), identify a number of tasks which harbour authorities should undertake in order to comply with the Code including reviewing and being aware of existing powers based on local and national legislation and advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation and, in doing so, to take account of the various mechanisms such as harbour orders which are available to amend statutory powers in an authority’s local legislation.

3.4 Part 2 of the Code contents sets out key measures to secure marine safety. This includes that ongoing review of existing powers should be supported by use of formal risk assessment and, in turn, formulation and implementation of a marine safety management system in order to keep risk as low as reasonably practicable. The requirements by which harbour authorities should keep their powers under review, and the use of risk assessment are set out in sections 2 and 3 of the Code.

3.5 Of particular reference to the proposed HRO, para 2.4 of the Code provides that “[a]dditional powers should be sought, if a risk assessment concludes that this would be

the best means of meeting their safety obligations”. In addition, para 3.12 of the Code provides that harbour revision orders may be used, in the general context of marine safety, to extend harbour limits.

- 3.6 Section 4 of the Code describes key powers to be kept under review, which include:
- 3.6.1 direction
 - 3.6.2 regulation of dangerous vessels
 - 3.6.3 lighting to manage safety of navigation
 - 3.6.4 pilotage.
- 3.7 The Guide sets out industry best-practice principles for compliance with the Code. Para 1.9.4 of the Guide describes how the harbour revision order process as set out in HA 1964 may be used to amend a harbour authority’s powers and jurisdiction to ensure compliance with the Code.
- 3.8 The Code, the Guide and the Ports Good Governance Guidance (published March 2018 by DfT) and applicable to ABP as statutory harbour authority place an emphasis on the important role the harbour authority has on the safety of those using the harbour. This is relevant to the operative articles of the HRO and the purpose for which they are proposed. See section 5 of this statement below.
- 3.9 In accordance with this requirements set out in the Code, ABP has reviewed its powers at Port Talbot Harbour and concluded that it is necessary and desirable in the interests of safety to extend the limits of the harbour to address the specific anchorage and pilotage navigational safety issues, as set out in detail below.
- 3.10 The Welsh National Marine Plan (“Marine Plan”), adopted in November 2019, is the relevant marine plan made for the purpose of section 51 of the Marine and Coastal Access Act 2009. That plan contains a number of objectives which are aligned with the purpose of the HRO.
- 3.11 The Plan contains a number of cross-cutting themes, the second of which is “Achieving a sustainable marine economy”. Objectives within this theme include contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels; and providing space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and reducing the displacement of existing activities. The Plan emphasises at para 26 that it “provides an integrated set of objectives and policies for the

sustainable development of the Plan area and, as such, none of the objectives, policies or supporting text should be considered or applied in isolation”.

- 3.12 The Plan also includes several sector-specific policies, one of which relates to ports and shipping. The ports and shipping sector objective in the Plan is to safeguard established shipping routes and support sustainable development in the shipping and ports sector.
- 3.13 By extending the harbour limits as proposed, having identified specific concerns in respect of navigational safety relating to the anchorage and pilotage which form part of the harbour’s operations, the HRO will ensure the continued safe and effective operation of the harbour. (Note that para 414 of the Plan notes that Port Talbot specialises in bulk shipments.) By enabling safe navigation of the harbour by vessels, the HRO will facilitate increased use of the harbour, thereby encouraging economically productive activity. In doing so, the proposal is compliant with both general and sector-specific objectives in the Plan.
- 3.14 The HRO does not authorise any development and consequently it is not considered that it engages the National Policy Statement for Ports, February 2012.

4. THE HARBOURS ACT 1964

4.1 Section 14 of HA 1964 confers powers to make an order under that section (known as a harbour revision order) in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties for achieving all or any of the objects specified in Schedule 2 to HA 1964.

4.2 Section 14(2)(a) of HA 1964 requires that written application be made to Welsh Ministers by the authority engaged in improving, maintaining or managing the harbour in question and section 14(2)(b) provides that Welsh Ministers must be:

“satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships”.

4.3 The matters set out in Schedule 2 to HA1964 include, in particular, at paragraph 6:

Settling (either for all purposes or for limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled.

4.4 Because this is not an application for a harbour revision order which, directly or indirectly, authorises a project (within the meaning of paragraph 1 of Schedule 3 to HA 1964), prior notification to Welsh Ministers under paragraph 3(a) of Schedule 3 to HA 1964 is not required. [Welsh Ministers have been consulted, however, on the proposals.]

4.5 The application for the HRO under section 14 of HA 1964 meets the conditions set out in that section. The extension of the harbour falls within the objects set out in paragraph 6 of Schedule 2 in altering the limits of the harbour. In addition, the application meets the requirements of:

(a) section 14(1) of HA 1964 because it is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of its statutory powers and duties for the purpose of achieving objects falling within Schedule 2 to HA 1964; and

(b) section 14(2) of HA 1964 because:

(i) the application is made upon the written application of a harbour authority engaged in improving, maintaining or managing the harbour; and

- (ii) the making of the HRO is desirable in the interests of securing the improvement and management of the harbour in an efficient and economical manner by enabling ABP to extend an established and robust safety management system over the added area over which management of navigation is required to maintain risk to as low as reasonably practicable.

5. NEED AND JUSTIFICATION FOR HRO

- 5.1 The HRO is required primarily for purposes of navigational safety. In addition to its status as a statutory harbour authority, ABP is a competent harbour authority in respect of Port Talbot Harbour under the Pilotage Act 1987, and has made a compulsory pilotage direction in respect of the area for which is such an authority. The area over which ABP exercises powers as a competent harbour authority does not extend beyond the existing limits of the harbour.
- 5.2 The deep water anchorage and pilot boarding area associated with Port Talbot Harbour are shown indicatively on Plan 2 appended to this Statement. The existing harbour limits of Port Talbot Harbour are nine (9) nautical miles distant from the harbour's deep-water anchorage and designated pilot boarding area. Between the existing harbour limits and the Pilot boarding area in the deep-water anchorage are the designated dredge disposal spoil ground, sub 10m designated anchorage off Swansea and the White Oyster Ledge shoal patch.
- 5.3 The Port Talbot designated anchorage is located at a distance from Port Talbot Harbour as a requirement to accommodate very deep drafted vessels. The pilot boarding and landing area has necessarily been established in the anchorage area in lieu of the ability to manage safe navigation for lesser draft vessels to board and land in more sheltered areas of Swansea Bay between the existing deep water anchorage and the existing Port Talbot Harbour limits.
- 5.4 In compliance with the requirements of the Code in respect of marine safety and risk assessment(s), ABP undertook a pilotage boarding/landing and risk assessment review in April 2021 (reviewed February 2022), which drew attention to the following points:
- 5.4.1 The ability to board and land pilots within as low as reasonably practicable principles (ALARP) in the Port Talbot Harbour deep water anchorage was limiting the ability to dock and sail vessels in the sheltered harbour within the relevant ALARP considerations for the harbour; and
- 5.4.2 To navigate without pilot to a safe boarding area and/ or disembark a pilot at a position that maintains pilot boarding and landing ALARP principles would require vessels to navigate to and from an area which presents various navigational hazards (see Plan 2 appended to this Statement).

- 5.5 The situation described above is recognised as being in conflict with the harbour authority's duty to effectively and safely manage marine operations within the harbour and approaches.
- 5.6 In addition, the ABP marine safety management system requires competent marine risk assessors and reviewers to consider incidents and investigation outcomes that have taken place in other harbour areas as part of the local risk review and continuous improvement process, and in compliance with the Code. Consequently, and following incidents at Port Talbot Harbour and at other ports, ABP undertook a review of anchorages in Swansea Bay including the Port Talbot anchorage in December 2021 which recognised certain points in relation to the safety of anchorage as a consequence of the anchorages being outside the Port Talbot harbour limits, which are set out below.
- 5.6.1 ABP has no powers to direct anchorage positions, spacing and circumstances within presently established anchorages;
- 5.6.2 ABP has no powers to direct the use of passage planning for piloted or non-piloted vessels approaching anchorages or leaving anchorages to board pilots in poor weather conditions;
- 5.6.3 ABP has no powers to establish reasonable general direction for safe anchoring and transit to and from pilot boarding / landing positions and also to the existing SHA limits;
- 5.6.4 ABP has no powers to utilise special direction in specific navigation safety scenarios to maintain navigational safety in poor weather conditions; and
- 5.6.5 without the powers described in points 5.6.1 to 5.6.4, extending the local port service's 24-hour provision and the established marine safety management plan would not alone provide the required level of safety management.
- 5.7 The proposed extension of the Port Talbot harbour limits will address the specific anchorage and pilotage navigational safety issue in addition to extending other powers such as removal of wrecks and lighting and marking in relation to safe navigation. It will enable ABP to extend an established and robust safety management system over the added area over which the management of navigation is required to maintain ALARP principles.
- 5.8 ABP believes this proposed extension is not only in line with the Code's requirement to review powers and jurisdiction but also the requirement to seek the powers required to effectively manage marine safety.

- 5.9 As set out above, the justification and need for the HRO rely primarily on the matter of servicing the existing traffic of the port. However, and in addition to which, ABP has aspirations to promote further development at the port in order to take advantage of opportunities in respect of floating off-shore wind generation. In such circumstances, the extension of harbour limits as proposed in the HRO will assist in allowing safe use of the port to service future potential offshore wind generation facilities.
- 5.10 The HRO would authorise the extension of all powers and jurisdiction which ABP as harbour authority currently exercises over the harbour limits delineated in the British Transport Docks Act 1971 over the added area (as defined in the proposed HRO and as shown on the attached Plan 2). For the avoidance of doubt, the added area will include that smaller area over which limited powers of the harbour master were extended under the Associated British Ports Act 1990. The purpose of this extension is to address specific navigational safety issues, relating to anchorage and pilotage, which ABP has identified in compliance with its obligations under the Code.
- 5.11 An explanation of, and the need for, each substantive article of the proposed HRO is set out below. Articles 1 and 2 of the HRO are not dealt with below as they are ancillary to the substantive provisions of the HRO.

Article 3 – Extension of limits of jurisdiction

- 5.12 This article authorises the extension of Port Talbot Harbour from the limits as defined in the Port Talbot Railway and Docks Act 1899 and as further extended by the British Transport Docks Act 1971 to include the added area. The added area is described in Schedule 1 to the HRO and shown for identification purposes on the plan at Schedule 2.
- 5.13 Article 3(2) provides that the same rights, powers, duties, obligations or liabilities which are exercisable or imposed on ABP or the harbour master in respect of the existing harbour limits will extend without amendment over the added area, subject to the qualifications in article 4. This is to ensure that the harbour authority's jurisdiction is consistent across the whole of the extended harbour limits
- 5.14 Note that the added area includes that area over which limited powers, in respect of the harbour master only, were extended under section 16 of the British Transport Docks Act 1990. Again, this is to ensure that there is no inconsistency in the jurisdiction of the harbour authority and harbour master across the extent of the revised harbour limits.

Article 4 – Application of existing legislation

- 5.15 This article provides that the Harbours Docks and Piers Clauses Act 1847 has effect within the added area as it was incorporated in the British Transport Docks Act 1964. This is to ensure that the powers exercisable across the extended harbour limits and thereby the jurisdiction of the harbour authority are consistent.
- 5.16 Article 4(2) provides that the existing byelaws will not apply to the added area. This is because they are not relevant to the area in question.
- 5.17 Article 4(3) provides that no ship, goods or passenger dues are chargeable in respect of those ships which pass through or anchor within the added area on their way to and from a place outside Port Talbot Harbour. This is to prevent additional charges being paid by traffic passing to other ports through the added area and anchorage site.
- 5.18 Article 4(4) provides that pilotage charges are not payable by any piloted vessel passing through the added area on its way to or from any area which is subject to a compulsory pilotage direction made by the competent harbour authority of that area. This is to prevent additional pilotage charges being paid by vessels passing through the added area to or from the other area. Article 4(5) defines competent harbour and compulsory pilotage direction.

6. PRE-APPLICATION CONSULTATION AND ENGAGEMENT

Pre-Application Guidance

6.1 Welsh Government's Procedural Harbour Order Guidance for Wales (2018)¹ ('2018 Guidance') makes clear that the pre-application stage of a harbour order is a vital part of the application process. The Guidance (paragraph 5.1) strongly encourages Applicants to engage in early dialogue with stakeholders and describes the application "*as a front-loaded process in which engagement, consultation and any necessary environmental assessment must be carried out prior to making an application*".

6.2 Paragraph 5.2 of the 2018 Guidance states "*thorough and meaningful engagement with communities, local planning authorities, statutory consultees and other interested parties in the early stages of the project gives applicants the opportunity to overcome issues that would otherwise not come to light until formal pre-application consultation is undertaken further along in the process.*"

ABP's Approach to Consultation

6.3 ABP is committed to pre-submission engagement and consultation to ensure stakeholders have the opportunity to be involved and comment upon the draft application before it is submitted for statutory consultation.

6.4 The Applicant identified a series of statutory and non-statutory stakeholders to seek pre-application engagement with. The stakeholder list was prepared taking account of paragraph 5.6 and Annex B of the 2018 Guidance. The list of stakeholders is contained in **Table 1** below.

Table 1: List of consulted stakeholders

Stakeholder	Listed as a consultee in guidance
Bristol Harbour Authority	Yes - Other relevant Harbour Authorities - user of anchorage
British Ports Association	Yes
The Crown Estate	Yes

¹ <https://www.gov.wales/sites/default/files/publications/2023-04/apply-for-a-harbour-order-procedural-harbour-order-guidance-for-wales-2018-update.pdf>

Inshore Fisheries Conservation Authority	Yes
Marine Conservation Society	Yes
Marine Policy Branch (Welsh Government)	Yes
Maritime and Coastguard Agency	Yes
Milford Harbour Authority	Yes - Other relevant Harbour Authorities - user of anchorage
Natural Resources Wales	Yes
Neath Port Authority	Yes - Other relevant Harbour Authorities
Neath Port Talbot Council	Yes - local planning and highways authority
Royal Society for the Protection of Birds	Yes
Royal Yachting Association	Yes
Swansea Council	Yes - local planning and highways authority
The Centre for Environment, Fisheries and Aquaculture Science	Yes
The Health and Safety Executive	Yes
Trinity House	Yes
UK Chamber of Shipping	Yes
UK Major Ports Group	Yes
Civil and Marine (cement)	No – Port Talbot harbour user
The Mission to Sea Farers	No – Interest group
Local yacht clubs - Afan Boat Club	No – Local user group
Local yacht clubs - Bristol Channel Yacht Club	No – Local user group
Local yacht clubs - Monkstone Cruising & Sailing Club	No – Local user group
Local yacht clubs - Mumbles Yacht Club	No – Local user group
Local yacht clubs - Swansea Yacht and Sub Aqua Club	No – Local user group

Local yacht clubs - Tata Steel Sailing Club	No – Local user group
Port Talbot Sea Cadets	No – Local user group
Swansea Marina	No – Local user group
YMCA	No – Local user group
Local Senedd members	No – Political stakeholder
Local MP	No – Political stakeholder
Hanson	No – Port Talbot harbour user
Tarmac	No – Port Talbot harbour user
Tata	No – Port Talbot harbour user

Public Consultation

6.5 The public consultation stage was used to raise awareness of the application and make clear the Applicant's intent to submit a non-works HRO. The consultation material comprised a dedicated webpage with draft application documents, detailed information on the application, and the process by which to submit feedback. The consultation webpage was 'live' from Tuesday 25 April 2023 to Tuesday 6 June 2023.

6.6 In order to advertise and raise awareness of the consultation, the Applicant:

- Contacted by email or via online contact pages the stakeholder organisations listed in Table, 1 to advise of the consultation period, where more information was available and how to provide feedback.
- Arranged for an advert to be published in a local newspaper, South Wales Evening Post, and on the Wales Online website (walesonline.co.uk). South Wales Evening Post has a circulation of over 7,000 copies including the Port Talbot area. The online advert was 'live' on the website for two weeks from the start of the consultation. It had 99,997 impressions, (the amount of times it appears on a webpage), was in view for over 1,000 hours and had a total of 307 clicks through to the consultation website. The advert was in both Welsh and English.
- Issued a notification email to statutory stakeholders and non-statutory stakeholders to make them aware of the consultation and provide them with an opportunity to meet with the Project Team and provide feedback.

- Created a leaflet with details of the application proposals, which was made available upon request. The leaflet was available in both Welsh and English.

6.7 The consultation material, including the website, advert (hard copy and online), and information leaflet, is contained in **Appendix A** of this Statement.

Consultation Feedback and the Applicant's Response

6.8 During the consultation period, the Applicant held a series of meetings with the following stakeholders to discuss the proposals:

- Natural Resources Wales;
- Neath Port Authority;
- The Crown Estate;
- Welsh Government;
- Trinity House; and
- Neath Port Talbot Council.

6.9 By the close of the consultation, the Applicant had received correspondence from 12 stakeholders, including acknowledgements of the Applicant's intention to submit the application; questions and queries regarding the application; and formal consultation responses. No responses were received from members of the public.

6.10 A summary of the responses received and nature of correspondence can be found below:

1. Bristol Port acknowledged the Applicant's proposed application.
2. British Ports Association submitted a consultation response stating their support for the application.
3. Maritime and Coastguard Agency did not raise an objection and had no concerns with regards to the HRO proposals. They did seek clarification on a small number of points, particularly regarding risk assessment and marine safety management system interface. The Applicant responded to these points during the consultation and has subsequently provided further information by providing a dedicated report.

4. Marine Conservation Society did not raise an objection but asked questions regarding the extent of additional dredging. These were responded to during the consultation.
5. Mike Hedge MS responded in support of the proposed application.
6. Natural Resources Wales did not raise an objection but sought clarification on a number of points during the consultation including: the potential increase in boat traffic, the impact on dredging licences, and the need for an Habitats Regulations Assessment. The Applicant responded in writing and met with NRW to provide these clarifications. The subsequent advisories from NRW have been noted by the Applicant.
7. Neath Port Talbot Council had no objection to the proposed application.
8. Neath Port Authority stated six potential objections to the application but expressed their desire to resolve these as part of ongoing discussions. The Applicant engaged with Neath Port Authority both during and following the closure of the consultation and has resolved, as far as possible, the six potential objections outlined in the response.
9. The Crown Estate sought clarity on whether a dedicated Crown saving clause needed to be included in the draft HRO and around marine aggregate extraction. The Applicant has responded to these points and no changes have been made to the draft HRO.
10. The Health and Safety Executive submitted a consultation response to indicate they would not be commenting on the application.
11. The Royal Yachting Association initially expressed concern with the length of the consultation period and withheld comments while they consult with local yachting clubs. A meeting was held with the Association following the consultation on Monday 26 June where an extension of two weeks was requested for consultation with local yachting clubs to take place. The Association subsequently confirmed that, following consultation with local yachting clubs, they were content with the application as it stands.
12. Trinity House did not raise an objection and welcomed the opportunity to comment on the application. They suggested changes to the SHA area and requested additional engagement regarding two navigational buoys and minor clarifications on the HRO and clarifications other minor matters. In response the

Applicant have adopted the suggested changes to the SHA area, put in place contingencies for the future management and upkeep of the buoys, and responded to the additional clarifications requested.

- 6.11 A summary of the responses received and the Applicant's response is contained in **Appendix B** of this Statement.
- 6.12 As a result of the pre-submission consultation and engagement undertaken by the Applicant a small number of changes have been made to the draft HRO and additional information provided by the Application. In summary this includes:
- (a) The extent of the SHA extension has been amended to close a gap identified by Trinity House. This is reflected in the plans submitted;
 - (b) An additional saving added to the draft HRO regarding pilotage charges as requested by Neath Port Authority; and
 - (c) Additional information in the form of a Navigation Risk Assessment (NRA) report about the needs and safety case for the extension of the SHA has been provided.

Summary on Pre-Application Consultation

- 6.13 The Applicant has engaged proactively and meaningful with stakeholders prior to the submission of the application. The Applicant sought to directly engage with both statutory and non-statutory stakeholders, in addition to raising public awareness of the proposals and consultation, prior to the submission of this application. This is considered to be reflective of the Government's Procedural Guidance.

7. CONCLUSION

- 7.1 For the reasons explained above it is considered that the extension of the limits of Port Talbot Harbour is desirable in the interests of securing the management of the harbour in an efficient and economical manner and both satisfy the requirements of Section 14(2)(b) of HA 1964 and are desirable in the general public interest.

APPENDIX A

Public Consultation Material

Figure 1: Consultation website (cached version):

https://southwalesports.co.uk/Consultations/Port_Talbot_Non_Works_HRO_consultation/

Port Talbot Non Works Harbour Revision Order (HRO) Consultation - Extension of Harbour Powers

Please click [here](#) for more information on ABP's consultation (English Version)

Please click [here](#) for more information on ABP's consultation (Welsh Version)

Please click [here](#) for an English version of the draft Harbour Revision order, please click [here](#) for Figure 1

Please click [here](#) for a Welsh version of the draft Harbour Revision order

Please click [here](#) for an English version of the draft statement of support, please click [here](#) for Figure 2

Please click [here](#) for a Welsh version of the draft statement of support

YMWADIAD: Dim ond ar y cyd â'r ymgynghoriad hwn y bydd yr wybodaeth a roddwch yn cael ei defnyddio. Mae ABP wedi dewis defnyddio Copper Consultancy i helpu i gasglu a rheoli gwybodaeth ar gyfer yr ymgynghoriad hwn. Gallwch gael rhagor o wybodaeth am sut mae eich data personol yn cael ei ddefnyddio drwy fynd i'n Hysbysiad Preifatrwydd - www.abports.co.uk/support/privacy-notice/

DISCLAIMER: The information you provide will only be used in conjunction with this consultation. ABP have chosen to use Copper Consultancy to assist in the collection and management of information for this consultation. You can find out more about how your personal data is used by visiting our Privacy Notice - www.abports.co.uk/support/privacy-notice/

Figure 2: Consultation advert for South Wales Evening Post and Wales Online

**YMGYNGHORIAD CYHOEDDUS: GORCHYMYN
DIWYGIO HARBWR NAD YW’N YMWNEUD Â GWAITH
CYMDEITHAS PORTHLADDOEDD PRYDAIN (ABP)**

**PUBLIC CONSULTATION: ASSOCIATED BRITISH PORTS
(ABP) NON-WORKS HARBOUR REVISION ORDER**

Mae Cymdeithas Porthladdoedd Prydain (ABP) yn paratoi cais i Lywodraeth Cymru, ar gyfer Gorchymyn Diwygio Harbwr neu HRO. Pwrpas y cais hwn yw gwella diogelwch mordwyo morol ac effeithlonrwydd gweithredol harbwr Port Talbot.

Mae ABP nawr yn cynnal ein hymgyngoriad chwe wythnos ein hunain a fydd yn cael ei gynnal rhwng **25 Ebrill 2023 a 6 Mehefin 2023**. Os hoffech gael rhagor o wybodaeth am pam ein bod yn bwriadu gwneud y cais hwn, neu ofyn unrhyw gwestiynau i ni, ewch i'n gwefan sy'n cynnwys rhagor o fanylion.

Ein Gwefan: <https://southwalesports.co.uk/Consultations/>

Dros y ffôn: 08008402750

Dros e-bost: info@abpporttalbot.co.uk

Associated British Ports (ABP) is preparing an application to the Welsh Government, for a Harbour Revision Order or HRO. The purpose of this application is to improve the marine navigational safety and operational efficiency of Port Talbot harbour.

ABP is now undertaking our own six-week consultation which will take place from **25 April 2023 until 6 June 2023**. Should you wish to find out more about why we are intending to make this application, or to ask us any questions, please visit our website which has further details.

Our Website: <https://southwalesports.co.uk/Consultations/>

By telephone: 08008402750

By email: info@abpporttalbot.co.uk




Figure 3: Consultation Leaflet – Welsh Version

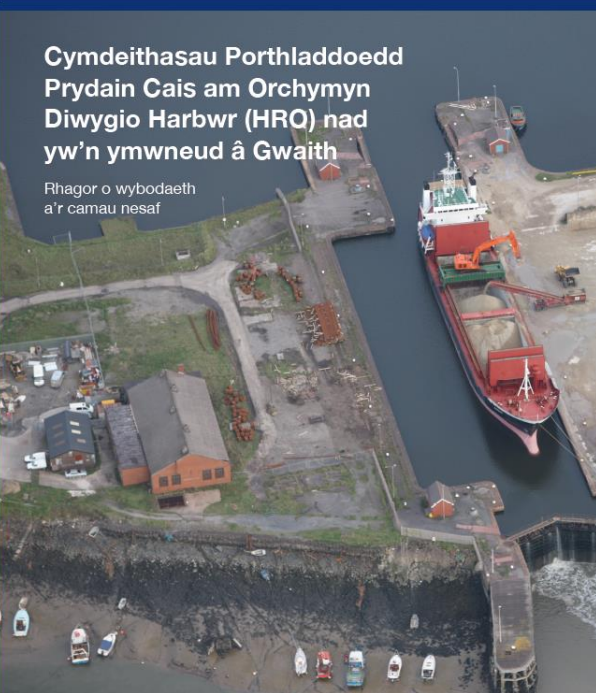
Cysylltwch â ni

Cyn i ni gyflwyno'r cais i Lywodraeth Cymru, byddem yn croesawu unrhyw sylwadau sydd gennych ar yr hyn rydym yn ei gynnal. Mae'r dogfenau cais drafft, gan gynnwys yr offeryn statudol arfaethedig a datganiad ategol yn egluro'r angen am y cais, ar gael ar ein gwefan ymgynghori drwy fynd i <https://southwalesports.co.uk/Consultations/>

Mae'r wefan hefyd yn cynnwys manylion ynghylch sut i roi adborth a gwybodaeth gyswilt os oes gennych unrhyw gwestiynau am y cais. Rydym wedi ymwylwyo i wrando ar yr hyn sydd gan bobl i'w ddweud am y cais a byddwn yn ystyried safbwyntiau a sylwadau ein cymdogion a'n rhanddeiliaid.

Gwefan: <https://southwalesports.co.uk/Consultations/>
 Dros y ffôn: 0800 840 2750
 Drwy e-bost at: info@abpporttalbot.co.uk





Cymdeithasau Porthladdoedd Prydain Cais am Orchymyn Diwygio Harbwr (HRO) nad yw'n ymwneud â Gwaith

Rhagor o wybodaeth a'r camau nesaf

YMWADIAD: Dim ond ar y cyd â'r ymgynghoriad hwn bydd yr wybodaeth a roddwch yn cael ei ddefnyddio. Mae ABP wedi dewis defnyddio Copper Consultancy i helpu i gasglu a rheoli gwybodaeth ar gyfer yr ymgynghoriad hwn. Gallwch gael rhagor o wybodaeth am sut mae eich data personol yn cael ei ddefnyddio drwy fynd i'n Hysbysiad Preifatrwydd - www.abports.co.uk/support/privacy-notice/

Gwybodaeth am y cais

Mae Cymdeithas Porthladdoedd Prydain (ABP) yn paratáu cais i Lywodraeth Cymru, ar gyfer Gorchymyn Diwygio Harbwr neu HRO. Pwrpas y cais hwn yw gwella diogelwch morwyo morol ac effeithlonrwydd gweithredol harbwr Port Talbot.

Bydd y cais yn ymestyn ardal awurdodaeth ABP fel yr Awurdod Harbwr Statudol (SHA). Mae SHA yn gyfrif statudol sy'n gyfrifol am reoli a rhedeg harbwr.

Mae'r cais HRO yn cynnig ymestyn yr ardal lle gallwn fynd ati i reoli mynediad morol i'r harbwr ac oddi yno, ymhellach i Fae Abertawe. Bydd hyn yn ei gwneud yn fwy diogel i gyhoch a'r bobl sy'n gweithio arnynt deithio i'r harbwr ac oddi yno.

yr adolygiad diweddaraf a gynhaliwyd gennym o'r gweithrediadau hyn yn 2022. Yr arfer gorau (o dan rywbeth o'r enw 'Cod Diogelwch Porth a Morol') yw parhau i adolygu gweithdrefnau a chanfod cyfleoedd i wella.

A yw'r newidiadau rydych chi'n gofyn amdatrynt yn ddisyffliedig ag unrhyw ardd o'ch cynlluniau, fel y Porthladd Rhydd, i ddatblygu Port Talbot fel lleoliad busnes?

Mae'r newidiadau rydym yn eu caisio drwy'r Gorchymyn Diwygio Harbwr (HRO) yn cael eu sbarduno gan yr awydd i wneud gwelliannau diogelwch parhaus, ac yn canolbwyntio ar hynny.

Mae cyhoeddiadau diweddar, fel cael statws Porthladd Rhydd i Bort Talbot, yn cynnig dyfodol cyffrous posibl i Bort Talbot fel lleoliad ar gyfer buddsoddiad newydd, twf swyddi da a mwy o ffiniant lleol. Bydd y gallu i reoli traffig morol yn ddiogel yn allai fod yn fwy bywiog a deimamig i'r porthladd.

Pryd fydd hyn yn digwydd?

Byddwn yn awr yn cynnal cyfnod ymgynghori o chwe wythnos gyda'n cymdogion a'n rhanddeiliaid ynghylch y cais. Ar ôl yr ymgynghoriad hwn ac ystyried yr ymatebion, bydd ein cais yn cael ei gyflwyno i Lywodraeth Cymru i'w ystyried. Ar ôl i'r cais gael ei gyflwyno i Lywodraeth Cymru, bydd yn cynnal ei hymgynghoriad ei hun er mwyn cael cyfle arall i roi adborth. Bydd gennym hefyd linell ffôn, gwefan a chyfeiriad e-bost arbennig lle gallwch gysylltu i ofyn cwestiynau neu i roi adborth.

A fydd unrhyw darfu amaf fi fel preswlydd lleol?

Ni fydd yr HRO hwn, os caiff ei ganiatáu, yn golygu unrhyw newidiadau ffisegol na gweithgarwch adeiladu i'r porthladd. Felly, ni ddylai'r gymuned leol ddisgwyl unrhyw afonyddwch nac effaith weledol fel rhan o'r cais hwn.



Sut mae hyn yn gwneud Port Talbot yn fwy diogel?

Bydd y newidiadau i ardal yr Awurdod Harbwr Statudol (SHA) yn gwneud ein porthladd yn fwy diogel mewn nifer o ffordd. Bydd y newidiadau'n ehangu ardal yr harbwr o dan ein rheolaeth, gan roi mwy o opsiynau i ni gynnwys llongau mewn amodau mór mwy diogel a helpu i'w traelu yn y porthladd, gan ystyried amodau'r tywydd.

A fydd y newidiadau yn eich awurdodaeth Awurdod Harbwr Statudol yn arwain at unrhyw effeithiau amgylcheddol yn sgîl gweithrediadau o ddydd i ddydd?

Nid ydym yn rhagweld unrhyw effeithiau amgylcheddol o ganlyniad i'r newidiadau hyn. Mae'r cais yn ymwneud â ffin weinyddol yr Awurdod Harbwr Statudol ac nid yw'n cynnwys gwaith adeiladu. Mae Deddf y Môr a Mynediad i'r Arfordir 2009 yn rheoli gweithgareddau yn yr amgylchedd morol gan gynnwys trwyddedau a rheoleiddwy'r fodloni'r gofynion hyn a byddwn yn parhau i wneud hynny.

Beth yw manteision masnachol y cais hwn?

Bydd mynediad mwy effeithlon i'r harbwr hefyd yn sicrhau hyfwyddedd masnachol parhaus y porthladd, nawr ac yn y dyfodol. Bydd hyn yn helpu i sicrhau dyfodol hirdymor yr harbwr, busnesau cysylltiedig a swyddi.

Mae cyhoeddiadau diweddar, fel cael statws Porthladd Rhydd, yn cynnig dyfodol cyffrous posibl i Bort Talbot fel lleoliad ar gyfer buddsoddiad newydd, twf swyddi da a mwy o ffiniant lleol. Bydd y gallu i reoli traffig morol yn ddiogel yn ardal Port Talbot mewn dyfodol mwy bywiog a deimamig o bobol yn bwysicach fych.

Y rhesymau dros ein cais

Mae diogelwch wrth galon ein gwerthoedd. Rydym yn hyderus bod ein gweithrediadau presennol yn bodloni'r holl ofnyddion diogelwch a rheoleiddio. Fodd bynnag, mae adolygiad diweddar wedi tynnu sylw at rator o ffyrdd o wella diogelwch gweithrediadau morol. Un enghraifft yw drwy ganiatáu i beilotiaid morol, sy'n tywys llongau ar eu millitroedd olaf i'r porthladd ac oddi yno, fynd ar gyhoch ac oddi arnynt yn nes at y tan lle mae'r môr yn dawelach ar y cyfan.

Mae'r cais hwn yn allweddol ar gyfer caniatáu newidiadau fel y rhain ac felly gallu ABP i weithredu harbwr Port Talbot mor ddiogel â phosibl.

Bydd gwell mynediad diogel i'r harbwr hefyd yn helpu i sicrhau hyfwyddedd parhaus y porthladd, nawr

ac yn y dyfodol. Bydd hyn yn helpu i sicrhau bod yr harbwr yn gweithredu ar gyfer y tymor hir a'r busnesau cysylltiedig, a'r swyddi sy'n dibynnu arno, yn enwedig yng ngoleuni'r potensial cyffrous ar gyfer buddsoddi a thyfu yn y dyfodol a fydd yn deillio o roi statws Porthladd Rhydd i Bort Talbot ac ynni gwyrdd arfaethedig ar y Môr Celtaidd.

Nid yw'r cais yn cynnwys unrhyw weithgarwch adeiladu. Mae hyn yn golygu na fydd unrhyw effaith weledol na sŵn ar dringolion lleol. Nid ydym yn rhagweld unrhyw effeithiau amgylcheddol o ganlyniad i'r newidiadau i awurdodaeth yr SHA ac ni fydd unrhyw newid yng ngofnyddion ABP i gydymffurfio â thrwyddedau morol a daddfwrtaeth amgylcheddol.

Cwestiynau cyffredin

Pam rydych chi'n ymgeisio am y cais hwn?

Mae'r rhagion hon yn helpu ABP i weithredu'r porth yn fwy diogel ac effeithlon. Mae hyn yn unol â'n rhywmedigaethau statudol fel Awurdod Harbwr Statudol (SHA) ac mae'n gwella diogelwch i'r rheini sy'n defnyddio ein porthladd. Mae SHA yn gyfrif statudol sy'n gyfrifol am reoli a rhedeg harbwr.

Mae diogelwch wrth galon ein gwerthoedd. Rydym yn hyderus bod ein gweithrediadau presennol yn bodloni'r holl ofnyddion diogelwch a rheoleiddio. Bydd y newidiadau i'r ardal lle mae gennym fwy o reolaeth fordwyl yn sicrhau ein bod yn gallu gweithredu'r porthladd mor ddiogel ac effeithlon ag sy'n ymarferol ac, yn bwysicach oll, yn cadw pobl sy'n gweithio yn y porthladd ac ar y cyhoch sy'n defnyddio'r porthladd, yn fwy diogel.

Sut mae ehangu'r ardal yn Mae Abertawe rydych chi'n gyfrifol amdani yn gwneud pethau'n fwy diogel?

I roi enghraifft, mae'n rhaid i beilotiaid morol, sy'n tywys llongau ar eu millitroedd olaf i'r porthladd ac oddi yno, fynd ar gwch ac oddi arno o'r angoriaf dŵr dŵin (3 milltir i'r de o ben y Mwmbwts). Yn gyffredinol, mae amodau'r môr ynna ddiwywaith mor ddiwyg ag y maent yn nes at y tan lle mae'r môr fel arfer yn dawelach. Mae ymestyn yr ardal lle mae gennym fwy o reolaeth fordwyl yn rhoi mwy o gyfleoedd i beilotiaid fynd ar gyhoch ac oddi arnynt yn yr amgylchedd mwy diogel yma.

Pam nawr?

Mae'r newidiadau rydym yn caisio eu gwneud yn ymateb i gyfleoedd i wella diogelwch ein gweithrediadau morol ymhellach. Nodwyd y rhain yn

Figure 4: Consultation Leaflet – English Version

Get in touch

Before we submit the application to Welsh Government, we would welcome any comments you may have on what we propose. You can find the draft application documents, including the proposed statutory instrument and a supporting statement explaining the need for the application, on our consultation website by visiting <https://southwalesports.co.uk/Consultations/>

The website also includes details of how to provide feedback and contact information should you have any questions about the application. We are committed to listening to what people have to say about the application and will consider the views and comments of our neighbours and stakeholders.

Website: <https://southwalesports.co.uk/Consultations/>

By telephone: 0800 840 2750

By email: info@abpporttalbot.co.uk



Non-Works Harbour Revision Order (HRO) application

DISCLAIMER: The information you provide will only be used in conjunction with this consultation. ABP have chosen to use Copper Consultancy to assist in the collection and management of information for this consultation. You can find out more about how your personal data is used by visiting our Privacy Notice – www.abports.co.uk/support/privacy-notice/

Further information and next steps

About the application

Associated British Ports (ABP) is preparing an application to the Welsh Government, for a Harbour Revision Order or HRO. The purpose of this application is to improve the marine navigational safety and operational efficiency of Port Talbot harbour.

The application will extend ABP's area of jurisdiction as the Statutory Harbour Authority

(SHA). SHAs are statutory bodies responsible for the management and running of a harbour. The HRO application proposes to extend the area in which we can actively manage marine access to and from the harbour, further into Swansea Bay. This will make it safer for vessels and the people working on them to travel to and from the harbour.

The reasons for our application

Safety is at the heart of our values. We are confident that our existing operations are meeting all safety and regulatory requirements. However, a recent review has highlighted further ways we can improve the safety of maritime operations. One example is by allowing maritime pilots, who guide vessels on their final miles to and from the port, to get on and off the vessels closer to the shore where the sea is generally calmer.

This application is key for allowing changes such as these and therefore ABP's ability to operate Port Talbot harbour as safely as possible.

Improved safe access to the harbour will also help ensure the port's continued viability, both now and in the future. This will help secure the

operation of the harbour for the long-term and the related businesses, and jobs that depend on it, particularly in light of the exciting future potential for investment and growth opened up through the granting of Freeport status to Port Talbot and planned offshore green energy in the Celtic Sea.

The application does not include any construction activity. This means there will not be any visual or noise impact to local residents. We do not anticipate any environmental impacts as a result of the changes to the SHAs jurisdiction and there will be no change in ABP's requirements to comply with marine licensing and environmental legislation.

Frequently asked questions

Why are you applying for this application?

This application helps ABP to operate the port more safely and efficiently. This is in line with our statutory obligations as a Statutory Harbour Authority (SHA) and improves safety for those who use our port. SHAs are statutory bodies responsible for the management and running of a harbour.

Safety is at the heart of our values. We are confident that our existing operations are meeting all safety and regulatory requirements. The changes to the area where we have more navigational control will ensure that we are able to operate the port as safely and efficiently as practicable and, most importantly, keep people

working at the port and on the vessels using the port, safer.

How does expanding the area of Swansea Bay that you're responsible for make things safer?

To give an example, maritime pilots, who guide vessels on their final miles to and from the port, currently have to get on and off at the deep water anchorage (9 miles south of Mumbles head). The sea conditions here are generally twice as bad as they are closer to the shore where the sea is usually calmer. Extending the area where we have more navigational control gives more opportunities for pilots to get on and off vessels in this safer environment.

Why now?

The changes we are seeking to make are in response to opportunities to further improve the safety of our marine operations. These were identified in the latest review we undertook of these operations in 2022. It is best practice (under something called the 'Port and Marine Safety Code') to keep reviewing procedures and identify opportunities for improvement.

Are the changes you are asking for linked to any of your plans, like the Freeport, to develop Port Talbot as a business location?

The changes we are seeking through the Harbour Revision Order (HRO) are driven by and focused on the desire to make continuous safety improvements. Recent announcements, like the granting of Freeport status to Port Talbot, offer an exciting potential future for Port Talbot as a location for new investment, the growth of good jobs and greater local prosperity. The ability to safely manage marine traffic in the Port Talbot area will be even more important in a potentially more vibrant and dynamic future for the port.

When will this take place?

We will now carry out a six-week period of consultation with our neighbours and stakeholders about the application. After this consultation and following consideration of the responses, our application will be submitted to the Welsh Government for their consideration. Once the application is submitted to the Welsh Government, they will carry out their own consultation so there will be another opportunity to provide feedback. We will also have a dedicated phonenumber, website and email address where you can get in touch to ask questions or provide feedback.

Will there be any disturbances to me as a local resident?

This HRO, if granted, will not involve any physical changes or construction activity to our port. Therefore, the local community should not expect any disturbances or visual impact as part of this application.

How does this make Port Talbot safer?

The changes to the Statutory Harbour Authority (SHA) area will make our port safer in a number of ways. The changes will expand the area of the harbour under our control, giving us more options to meet vessels in safer sea conditions and help pilot them into the port, taking account weather conditions.

Will the changes in your Statutory Harbour Authority jurisdiction result in any environmental impacts from day-to-day operations?

We do not anticipate any environmental impacts as a result of these changes. The application is related to the administrative boundary of the Statutory Harbour Authority and does not include construction works. The Marine and Coastal Access Act 2009 governs activities within the marine environment including marine licensing – we're used to working with stakeholders and regulators to meet these requirements and will continue to do so.

What are the commercial benefits for this application?

More efficient access to the harbour will ensure the port's continued commercial viability, both now and in the future. This will help secure the long-term future of the harbour, related businesses and jobs. Recent announcements, like the granting of Freeport status, offer an exciting potential future for Port Talbot as a location for new investment, the growth of good jobs and greater local prosperity. The ability to safely manage marine traffic in the Port Talbot area in potentially a more vibrant and dynamic future will be even more important.

APPENDIX B

Schedule of Consultation Feedback and the Applicant's Response

Table 2 below sets out: the stakeholder; the theme of the response; the comment raised; and the Applicant's response.

Table 2: Consultation Feedback and the Applicant's Response

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
1	Bristol Port	Acknowledgment	Bristol Port acknowledged the proposed application.	This response is noted by the Applicant.	N
2	British Ports Association	Acknowledgement of interest	We have reviewed and are content to support the application. The expansion is sizeable and so you might expect to receive some questions and feedback from other stakeholders. However it all seems sensible and in terms of other ports we do not envisage any other operators objecting. We look forward to following this with interest.	The Applicant welcomes the support of the British Port Association for this application.	N
3a	Maritime and Coastguard Agency	Additional details on need case	We understand the new area extends to the southwest to accommodate the pilot boarding and deep water anchorage. Out of interest, is there any supporting (navigation) risk assessments which addresses the need or justification for the extent of coverage? We don't have anything on record, and would assume this new area is to accommodate the vessels on approach as well?	The Applicant can confirm that risk assessments are in place, and has previously undertaken an assessment processes in 2021 and 2022 which directly supported the needs and justification for the new SHA area. The Applicant can also confirm that the new area relates directly to accommodating vessels and managing marine safety for vessels entering the deep-water anchorage and the approaches to the existing limits of Port Talbot. To further support this response, the Applicant has prepared a concise report covering the risk assessments, the Marine Safety	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
				Management System, the existing and proposed geographical extent of both SHA and Competent Harbour Authority (CHA) responsibilities and the intended safety benefits of the proposed extension. This report – <i>Navigation Risk Assessment</i> – has been submitted as part of the application.	
3b	Maritime and Coastguard Agency	Additional details in extent of CHA limits	<p>The following para states: In addition to its status as a statutory harbour authority, ABP is a competent harbour authority in respect of Port Talbot Harbour under the Pilotage Act 1987, and has made a compulsory pilotage direction in respect of the area for which is such an authority. The area over which ABP exercises powers as a competent harbour authority does not extend beyond the existing limits of the harbour”.</p> <p>It would be useful to understand the extent of your current Competent Harbour Authority (CHA) limits, as empowered rather than exercised, in relation to your new and existing SHA limits, including coverage for the pilot boarding area.</p>	For confirmation, at present the CHA limits are the same as the existing SHA limits – close to Port Talbot. The Draft HRO, if positively determined, will extend the CHA limits to the proposed extended SHA limits.	N
3c	Maritime and Coastguard Agency	Marine Safety Management System	We note that the new limits adjoin the Swansea SHA limits. In accordance with section 2.12 of the Port Marine Safety Code, we would expect Port Talbot to update their Marine Safety Management System to incorporate and consider the interface of procedures between the two adjoining SHAs.	The Marine Safety Management System (MSMS) in place in the ABP Wales ports comprises of an ABP group element which is consistent across all 21 ABP ports and a local element that reflects the circumstances of the actual ABP port it relates to. In respect to the five ABP ports in Wales (including Port Talbot and Swansea) the local elements of the MSMS are consistent across	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
				<p>the five Wales ports with many elements such as Local Port Services, Oil Spill Contingency plan, Tier 2 oil spill responder, Towage guidelines and Pilotage covering all five ports in an integrated manner.</p> <p>The Applicant believes that the proposed SHA extension will improve marine safety by extending the already consistently established MSMS over the proposed extended area. However, it is ABP's intention to review the MSMS procedures for Port Talbot and Swansea to consider if there are any revisions required to reflect the proposed contiguous nature of the proposed extension.</p>	
3d	Maritime and Coastguard Agency	Original HRO	We also wondered whether the original HRO, which is being extended to cover this new area, was still considered current and fit for purpose or if there were any plans for review or modernisation. I have not seen the original HRO which may well be included for review at formal HRO consultation stage via the MMO Harbour Orders team.	For confirmation, there was no previous HRO but there was new local legislation (British Transport Docks Act 1964), which enabled the construction of the tidal harbour at Port Talbot. Consideration was given to the need to modernise local legislation giving ABP its powers in the existing harbour but it was concluded that it was not necessary.	N
4a	Marine Conservation Society	Clarification	As I can determine the proposals are primarily around safety and, 'allowing maritime pilots, who guide vessels on their final miles to and from the port, to get on and off the vessels closer to the shore where the sea is generally calmer.' I also recognise there is an element of future focus, with the proposed extension enabling safe port area	The need to extend the SHA is driven by navigational safety and pilot boarding and landing positions – and this requirement is important based on the current shipping activity. However, the need for management, governance and regulation of navigational safety becomes even more important if the	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
			use for any potential floating offshore wind (FLOW) wet storage. The lack of any proposed construction, means in terms of seabed impacts, I can't foresee any issues.	FLOW industry develops further in the Celtic Sea.	
4b	Marine Conservation Society	Clarification	My only real questions are around any potential for increased dredging to facilitate any larger/novel vessels potentially associated with FLOW. However I appreciate that's both outside the scope of this consultation, and given the early stage FLOW development is currently at, potentially an question that currently lacks an answer.	With regards to dredging, this application does not directly change the dredging demands at Port Talbot (as it is a non-works HRO) and the marine licensing regime, which governs activities that ABP is already able to undertake beyond the mean high water mark, will continue to apply to the proposed extension of the Port Talbot SHA (as it applies within the existing harbour limits).	N
4c	Marine Conservation Society	Clarification	As ever increased traffic has the potential to increase disturbance to marine mammals, I would suggest speaking to Whale & dolphin Conservation if you need any further information on that.	ABP currently dredge within the Port Talbot SHA limit and also within the approach to the Port, which is shown on the attached plan in yellow and light pink. A Natural Resource Wales marine licence is associated with this and sample in line with OSPAR requirements.	N
5	Mike Hedges MS	Support	Responded in support of the proposed application	The Applicant welcomes the support of the local MS member for this application.	N
6a	Natural Resources Wales (NRW)	Clarification	NRW requested clarification on a number of points during the consultation. The Applicant responded to these in writing and a meeting took place after the consultation closed to discuss any further queries. NRW	This is noted by the Applicant and appreciates the commitment to dialogue that has taken place with NRW as part of the consultation process.	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
			subsequently submitted an advisory response as follows:		
6b	Natural Resources Wales (NRW)	Advisory	We note that from our discussions, you expressed you do not expect boat traffic volume or activity to change within the area as a direct result of the port authority extension, however vessel traffic may change in the future due to influx of activity from FLOW in the Celtic Sea and the changing of Port Talbot to a Free Port. We therefore advise that should you expect vessel activity levels to change that you should engage with NRW Advisory as early as possible.	This response is noted by the Applicant.	N
6c	Natural Resources Wales (NRW)	Advisory	We note that the extended jurisdiction will also allow ABP to dredge in this extended area under the Harbour Order. You have stated however that you do not intend to dredge in areas other than your already defined area, and this would also be reliant on a disposal licence.	This response is noted by the Applicant.	N
6d	Natural Resources Wales (NRW)	Advisory	We advise that as a competent authority, under the Habitats Regulations you will be required to complete a HRA to fully assess any potential impacts of the HRO to local adjacent sites and features prior to carrying out any plans or projects (dredging included). We advise that you engage with NRW Advisory around this.	This response is noted by the Applicant.	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
7	Neath Port Talbot Council	No objection	Responded to advise that they have no objection to the proposed application.	This response is noted by the Applicant.	N
8a	Neath Port Authority	Commitment to engagement	Neath Port Authority (NPA) notes the contents of the draft Harbour Revision Order (HRO). As indicated when our respective officials met, NPA has a number of potential objections to the contents of your draft HRO. I confirm, however, that those objections will be withheld provided the following issues are agreed and/or accepted with appropriate amendments being made to the HRO to take them into account:	This is noted by the Applicant and appreciates the commitment to dialogue that has taken place with NPA as part of the consultation process.	N
8b	Neath Port Authority	Alteration of HRO article	1. You will understand that NPA must, within its own port limits, ensure safe anchorage for vessels requiring it. In addition, it is also important that the NPA Pilot can board and disembark vessels within the port limits. The port limits of both ports was considered at the above meeting and, I understand, agreed. This will entail amendments to both port limits. Those amendments will therefore need to be made to your draft HRO and a new HRO will be needed for NPA. Those should be submitted simultaneously with the cost of preparation being borne by ABP.	The Applicant has not extended the order limits as suggested by NPA. However they recognise this issue raised by NPA and will consider not objecting to a future HRO by NPA to extend their limits.	N
8c	Neath Port Authority	Impact on vessels	2. Article 5.17 in the ABP draft HRO will need to be altered so that it is clear that no dues (goods or passenger) or pilot vessel charges will be levied in relation to vessels bound for	The Applicant has updated the wording of the draft order to include the following wording, which has been agreed with NPA:	Y

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
			Neath but anchor or transmit within the new ABP port limit.	Pilotage charges under section 10 (pilotage charges) of the Pilotage Act 1987 may not be charged on any vessel passing through or anchoring in the added area which is travelling to or from an area of another competent harbour authority and is subject to a compulsory pilotage direction made by that authority. In this article "competent harbour authority" means a competent harbour authority for the purpose of the Pilotage Act 1987 and "compulsory pilotage direction" means a direction made under section 7 (pilotage directions) of that Act.	
8d	Neath Port Authority	Impact on vessels	3. Control of vessels destined for NPA will remain with NPA notwithstanding they might be within or passing through the ABP port limit. Further, ABP will do nothing within its port limit that hinders or adversely impacts upon the safe voyage of vessels into or from the NPA limits.	The Applicant is seeking to address this point through a Memorandum of Understanding (MOU) between ABP and NPA, setting out the principles governing the regulation of the interface between the two ports, particularly those of safety. At the point of submission, the Applicant is continuing discussions about the draft MOU with NPA.	N
8e	Neath Port Authority	Responsibility of costs	4. ABP will do nothing that impinges upon the entry of vessels into the NPA port limit so that movements of vessels into or out of Neath Port will not be delayed by any action of ABP. ABP will indemnify NPA against any costs incurred as a consequence of vessels being delayed or hampered as they pass from the new ABP limit into NPA limits.	See response to point 8d, above.	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
8f	Neath Port Authority	Responsibility of costs	5. ABP will indemnify NPA against any additional costs incurred by NPA as a consequence of vessels destined for or leaving Neath Port being delayed, hampered or otherwise disadvantaged.	See response to point 8d, above.	N
8g	Neath Port Authority	Responsibility of costs	6. The indemnity in 5 above will extend to the cost of NPA employing independent experts to assess and investigate the impact of the new ABP HRO upon NPA. That indemnity also includes legal costs incurred throughout the processes envisaged above.	The Applicant met with NPA and agreed, on the basis of other changes made (above), that this was no longer required.	N
9a	The Crown Estate	Clarity on need for Crown saving	At the meeting, clarity was sought about whether a dedicated Crown saving clause needed to be included in the draft HRO. This was to protect the rights and interests of the Crown.	<p>The Applicant does not consider that a dedicated Crown saving clause is required in the draft HRO. An explanation of our rationale is provided below.</p> <p>The British Transport Docks Act 1964 ("the 1964 Act"), which authorised the tidal harbour, and all other existing legislation at Port Talbot incorporate the Harbours, Docks and Piers Clauses Act 1847¹ ("the 1847 Act"), including a saving for the Crown at section 99 in the following form:</p> <p><i>Nothing in this or the special Act to affect the rights of the crown;</i> <i>99. Nothing in this or the special Act, or any Act incorporated therewith contained shall extend to alienate, defeat, vary, lessen, abrogate, or prejudice any estate, right, title, interest, prerogative, royalty, jurisdiction, or authority, of or appertaining to the Queen's most</i></p>	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
				<p><i>excellent Majesty, nor to abridge, vary, or abrogate any of the powers or authorities by law vested in the Admiralty, or in the Commissioners of Her Majesty's [F1 Customs and Excise], or in the [F2 Crown Estate Commissioners], in relation to the possessions and land revenues of her Majesty in right of her crown, or otherwise howsoever.</i></p> <p>Article 4 of our draft HRO provides that the 1847 Act has effect within the added area, as incorporated with the 1964 Act. That means the provisions of the 1847 Act (which were incorporated by section 4 of the 1964 Act and include section 99) have effect within the extended area. Therefore, the saving will apply to the exercise of any powers applied by the Order to the extended area.</p> <p>1 Harbours Docks and Piers Clauses Act 1847, Section 99 - https://www.legislation.gov.uk/ukpga/Vict/10-11/27/crossheading/saving-of-rights</p>	
9a	The Crown Estate	Clarity on position with marine aggregates extraction	Linked to the above point, clarity was sought on how the extended SHA could impact on licences for marine aggregate extraction.	We consider that, as the Crown saving identified above is very comprehensive, it would protect any interest which the Crown enjoys over minerals in the extended area. There would therefore be no change to the existing situation with respect to marine aggregate extraction.	N

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10	The Health and Safety Executive	Decision to not reviewing documents	Your correspondence has been forwarded to me as my team is responsible for regulating businesses in Neath and Port Talbot. Thank you for including HSE in your consultation. However we will not be reviewing the documents submitted nor commenting on the application. I wanted to let you know so that you would not wonder whether you would be hearing from us.	This response is noted by the Applicant.	N
11a	Royal Yachting Association (RYA)	Issue with the consultation process	The proposed order is likely to have an impact on local recreational boating clubs but the extent of that impact isn't clear at this stage and the short consultation period hasn't given the RYA and RYACW sufficient opportunity to consult with the affected clubs (which are largely managed by volunteers).	<p>The Applicant believes that a six-week, pre-submission consultation on the draft HRO provides sufficient time for stakeholders to review the documents and provide feedback.</p> <p>The Applicant met with the Royal Yachting Association on Monday 26 June 2023 to discuss their response. A request was made during the meeting for extra time for the Royal Yachting Association to meet with members and agree a response. The Applicant subsequently agreed to provide an extra two week period – Monday 26 June to Monday 10 July – for these meetings to take place.</p>	N
11a	Royal Yachting Association	Issue with the consultation process	On 11 July 2023, a further update was received from the RYA. They confirmed they received no observations on the proposals from regional representatives and have to comments on the generic safety of navigation guidelines [provided as part of meeting on 26 June], all of which seem proportionate and	This is noted by the Applicant and appreciates the commitment to dialogue that has taken place with RYA as part of the consultation process.	N



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			pragmatic. As a result they confirmed they are content with the HRO as it stands but asked to be informed if there are further changes proposed in the future.		
12a	Trinity House	Issue with gap between three SHA areas	<p>As advised by Trinity House's Navigation Manager in his email of 3 May 2023, the proposed Port Talbot SHA extension (as shown on Figure 1, published with the consultation materials), would result in the creation of a small area (approximately one square nautical mile in extent) of general navigable waters between the proposed Port Talbot Statutory Harbour Authority ("SHA") limits, the Swansea SHA limits and the Port of Neath SHA limits. This area would, in effect, be locked between three separate SHA areas, which has the potential to render the ongoing management of that area by Trinity House impractical.</p> <p>Trinity House welcomes ABP's suggestion to adjust the coordinates in the draft HRO to follow the Port of Neath SHA limits and then join the existing Port Talbot SHA limits to avoid leaving a gap between the three separate SHA areas. As well as adjusting the coordinates set out in Schedule 1 to the draft HRO, we anticipate that the plan of the "Added Area" referred to in Schedule 2 to the draft HRO will be revised accordingly</p>	The Applicant has adjusted the coordinates in draft HRO to remove the gap between the three SHA areas as suggested by the response.	Y

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
12b	Trinity House	Engagement on provision of navigation aids (beyond scope of HRO)	Trinity House's Navigation Manager has also highlighted that there are currently two buoys (Ledge and Grounds) located within the proposed Port Talbot SHA limits. These buoys are currently operated and maintained by Trinity House. Whilst Trinity House understands that future arrangements for the operation and maintenance of these aids to navigation are not matters for resolution within the provisions of the draft HRO, Trinity House would nevertheless welcome continued discussions with ABP regarding the provision of aids to navigation within the proposed new Port Talbot SHA limits.	Following discussions with Trinity House Navigation Manager, the Applicant has proposed sensible contingencies for the future management and upkeep of the referenced buoys.	N
12c	Trinity House	Confirmation of effect of clause	<p>We note that, at paragraph 5.7 of the draft statement in support of the application published with the consultation materials, it is stated that "the proposed extension of the Port Talbot harbour limits will address the specific anchorage and pilotage navigational safety issue in addition to extending other powers such as removal of wrecks and lighting and marking in relation to safe navigation" (our emphasis added). We would be grateful for your confirmation that the effect of article 4(1) of the draft HRO is that the following provisions of the Harbours, Docks and Piers Clauses Act 1847 shall apply to the "added area" as they do to the existing Port Talbot SHA limits:</p> <ul style="list-style-type: none"> • section 28 (exemption of vessels in her Majesty's service, &c. from rates); 	The Applicant can confirm that all the provisions of the 1847 Act to which the response refers, including the saving for the rights of Trinity House, will apply in the added area as they apply within the existing limits.	N

No.	Stakeholder	Theme	Comment Raised	Applicant's Response	Change to application?
			<ul style="list-style-type: none"> • section 77 (power to erect lighthouses and lay down buoys, with consent of Trinity House); • section 78 (lights, beacons, or sea-marks not to be exhibited or altered without sanction of Trinity House); and • section 102 (nor the rights of Trinity House, &c). 		
12d	Trinity House	Technical concern with drafting	Paragraphs 5.16 and 5.17 of the statement in support of the application refer to articles 14(2) and 14(3) of the draft HRO. We assume that these should refer to articles 4(2) and 4(3) of the draft HRO?	This amendment has been made.	Y
12e	Trinity House	Typographical error	There is a minor typographical error in the second line of the second paragraph of the Explanatory Note to the HRO, between the words "application of" and "legislation"	This amendment has been made.	Y

Port Talbot Harbour Limits Plan

Point	Latitude	Longitude
1	51° 35' 03.15893"N	003° 49' 58.92743"W
2	51° 35' 23.28499"N	003° 53' 52.82491"W
3	51° 34' 48.72388"N	003° 54' 16.40161"W
4	51° 34' 09.25610"N	003° 56' 54.67783"W
5	51° 32' 40.80632"N	003° 58' 52.80959"W
6	51° 32' 37.04455"N	004° 05' 25.93474"W
7	51° 24' 59.63288"N	004° 09' 42.42239"W
8	51° 24' 59.70080"N	003° 58' 01.78030"W
9	51° 28' 33.70239"N	003° 55' 40.05564"W
10	51° 30' 05.51332"N	003° 49' 34.14032"W
11	51° 32' 13.91218"N	003° 51' 35.79793"W
12	51° 32' 50.42414"N	003° 50' 01.11214"W
13	51° 33' 35.46087"N	003° 50' 45.40336"W
14	51° 33' 28.55389"N	003° 51' 04.80125"W
15	51° 34' 01.50460"N	003° 51' 33.55558"W
16	51° 34' 38.48640"N	003° 49' 55.61939"W

-  Proposed Port Talbot SHA Extension
-  Existing Port Talbot SHA Limit

