

**MARINE MANAGEMENT ORGANISATION**

**HARBOURS ACT 1964**

**PROPOSED NEWPORT (IOW) HARBOUR REVISION ORDER 2017**

**STATEMENT IN SUPPORT OF APPLICATION BY THE ISLE OF WIGHT COUNCIL**

## **1. Introduction**

1.1. This statement has been prepared in support of an application being made by the Isle of Wight Council (“the Council”) to the Marine Management Organisation (“the MMO”) for a proposed Newport (IoW) Harbour Revision Order (“the HRO”). The Council is the statutory harbour authority for Newport Harbour and the application is being made pursuant to section 14 of the Harbours Act 1964.

**1.1** The HRO would modernise and extend powers vested in the Council by existing harbour legislation. In particular, the HRO would confer powers on the Council to give general directions to vessels using Newport Harbour. These powers are required to support the effective management of vessels and other users of Newport Harbour, as recommended by the Port Marine Safety Code. It would also enable the council to grant tenancies in excess of three years or dispose of surplus land, using the monies for the benefit of the harbour, and to carry out commercial activities.

**1.2** The HRO is divided into 3 parts, with the paragraphs referred to in each part as an Article. Reference throughout to an Article refer to an Article in the HRO.

## **2 Newport Harbour**

Statutory powers for Newport Harbour were first conferred on the council’s predecessor, the Mayor, Aldermen and Burgesses of the Borough of Newport in 1852 by the River Medina Navigation Act 1852 (followed by subsequent legislation). Newport Borough was succeeded by Medina Borough Council, which in turn was succeeded by the Isle of Wight Council.

Newport Harbour extends from the quay walls at Newport to the Folly Reach, 2 ½ miles to the north. Moorings and pontoons at Folly Reach (south of the Folly Marker) are owned and operated as part of Newport Harbour the marine related activities are managed on a day to day basis by the Council in its capacity as harbour authority, It also owns much of the river bed from Newport to Folly Reach where it adjoins the waters regulated by Cowes Harbour Commissioners The Council is also the owner of land holdings in Newport that support the management of the harbour and are referred to in the draft HRO as the harbour premises. .

### History

In 1862 the Quay at Sea Street was a termination of Quay Street with 3 or 4 storey warehouse buildings built on the river’s edge. Little London on the west bank accommodated warehouses and small cottage homes. A large gas works including a Gasometer occupied the east bank. To the north was mostly rural apart from St Cross Cottage which still stands and a single railway line running north. On the east bank Newport Cemetery had been established.

By 1896 the railway had greatly expanded and crossed the river above the Quay to the east bank. Some housing in Little London had been demolished to make way for the railway station and engine sheds. The Gasworks on the east bank had expanded and a small terrace of houses had been built on Hillside.

By 1907 a few more houses had been built on Hillside and Fairlee Road. Industrial buildings had developed in front of the gasworks. The Cemetery had been enlarged. On the west bank the railway was established and other industries thrived because of their proximity to the railway line. The railway closed on the 21 February 1966 reducing the transport link to the harbour.

The quay was once a thriving area with there being a good trade in timber, malt and large quantities of wheat and flour to export. The warehouses that formerly occupied the site between Sea Street and the river were designed for the storage of sacked merchandise. Warehouse doors opening as pairs on each of the three floors were placed immediately above each other, this allowed merchandise to be lifted into the warehouse by the use of a hoist. The railway closed in February 1966, which hastened the decline of the river trade. However, this has at least in part been replaced by pleasure craft and supporting businesses. .

### Harbour facilities

Sail just 4 miles up the river Medina from the estuary mouth at Cowes Harbour and you reach the Quays of Newport. Visitor pontoons here provide water and electricity with quayside toilets and showers(during the summer). There is also a the option of dry berths for winter storage. Newport Harbour is a secure haven in all weathers and seasons and provides visitors with an excellent base for exploring the Island.

The popularity of the Harbour for recreational use has grown in recent years.

Key information for Newport Harbour and the Folly moorings for the 2015 calendar year is as follows: -

- The tonnage of cargo (sand and ballast for construction) imported into Newport Harbour was 20,976 tonnes (2014, 14,775 tonnes)
- The number of leisure vessels visiting Newport Harbour increased to 1,679 (2014, 1,160)
- The number of winter dry berths at Newport decreased to 22 (2014, 34)
- The number of summer moorings at Folly Reach declined to 164 (2014, 180)

### **3 The Harbours Act 1964**

Section 14 of the Harbours Act 1964 (“the 1964 Act”) confers powers which have been devolved to the MMO to make an order under that section (known as a harbour revision order) in relation to a harbour that is being maintained, or manage 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 the Act.

This provision requires that written application must be made to the MMO by the authority so engaged and that the MMO must be:

“satisfied that the making of the order is desirable in the interest 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 Pre-Application Consultation**

Pre-application consultation was carried out by the Council before its formal application for the proposed HRO to the Marine Management Organisation (“the MMO”) pursuant to the Harbours Act 1964. Specifically, this involved:

- Notices in the local newspaper and on the Harbour’s noticeboard at the Harbour
- Consulting with the Harbour Users Group
- Consulting with other local harbour users
- Consulting with the adjoining Harbour at Cowes and Island Harbour
- Pre-application consultations with the MMO, and with other consultees required or suggested by the MMO
- Providing statutory consultees with a copy of application documents for comment and making available a hard copy for the public to review via the Harbour Master’s Office and County Hall; and
- Publishing the documents on [iwight.com](http://iwight.com)

Comments received during the pre-application consultation process were incorporated into a report to the Council’s Executive to consider whether to make a formal application for the HRO, and those comments were considered at its meeting on 9<sup>th</sup> March 2017, when it was resolved that the Council should formally proceed with its application for a HRO. The comments are set out in the schedule to this statement in tabular format, with the Council’s response appearing alongside each comment.

#### **5 Need and Justification for the HRO**

The importance of Newport Harbour has already been described. The proposed HRO would confer further modernising powers on the Council that are considered conducive to the efficient and economic operation, improvement, maintenance and management of the harbour.

An explanation of, and the need for, each substantive article in the HRO is set out below, together with the relevant power in the 1964 Act by virtue of which the article may be included in the HRO. By way of illustration only, examples as to how the powers may be exercised are described below. These examples are, however, not intended to be exhaustive of the ways in which the powers may be exercised.

## **5.1 Part 1 of the Order – Preliminary**

Articles 1 and 2 are not dealt with below since they are ancillary to the substantive provisions of the HRO.

Article 3 of the HRO – the Harbour Limits

This article defines the harbour limits by reference to WGS84 coordinates and modern points of reference to landward. The HRO does not propose to alter the existing harbour limits, which remain the same as those set out in the Newport (IoW) HRO 1988. The purpose of the new description is therefore intended to clarify the boundaries of the harbour limits without having to refer to other documents. By way of illustration only, the map referred to in the 1988 HRO remains a valid point of reference, but in the event of a discrepancy the description set out in the HRO will prevail. The article also includes within the harbour limits any harbour premises (as defined) to the extent to which they are not situated within the written description of the harbour.

Article 3 is authorised by paragraph 6 of Schedule 2 to the 1964 Act, which provides for:

*“Settling (either for all purposes or for limited purposes) the limits within which the authority is to have jurisdiction or altering (either for all purposes or limited purposes) such limits as previously settled”*

This provision is needed in order to ensure that the harbour limits are more accurately defined by the use of coordinates and reference to mean high water.

## **5.2 Part 2 of the Order – Harbour Regulation**

### **5.2.1 Overview**

Article 4 empowers the Council to give or amend general directions:

*‘...for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation, the safety of persons, protection of property, and the prevention or amelioration of environmental harm in the harbour’.*

Such a direction may apply to:

- a) All vessels or to a class or type of vessel; or
- b) To persons designated in the direction; or
- c) To the whole of the harbour or to a part; or
- d) At all times or at certain times or at certain states of the tide.

The article also allows the Council to revoke an existing direction.

Article 5 then goes on to set out a detailed procedure which must be followed by the Council before a general direction can take effect, including an independent adjudication process in the event of designated consultees maintaining an objection to a proposed general direction.

Article 6 prescribes the public notice that must be given prior to the general direction taking effect.

Article 7 provides the harbour master with a modernised power of special direction. Unlike a general direction, a special direction is intended to address specific circumstances where individuals or vessels are required to conduct themselves in such a manner so as to comply with a general direction or bylaw, or to address any of the circumstances set out in Article 7(1).

Article 8 renders a failure to comply with a general or special direction an offence punishable on summary conviction to a fine not exceeding level 4 on the standard scale. This fine level is in conformity with similar provisions in the Portland HRO 1997, the Yarmouth (Isle of Wight) HRO 2011, the Poole HRO 2012 and the Littlehampton HRO 2014. There is also a power in Article 9 that allows the harbour master to enforce a special direction relating to a vessel, in the event of non-compliance, by boarding the vessel. The power can only be exercised after having given 48 hours' notice, except in an emergency. It is therefore in compliance with powers of entry guidance. Article 10 makes it clear that the giving of a general or special direction in respect of a vessel does not diminish the responsibility of the master of the vessel in respect of which the direction is given.

There is a power of revocation in relation to existing byelaws under article 11, where the byelaws revoking existing byelaws do not themselves need to be confirmed by the Secretary of State. As it is the Council's intention to replace all existing byelaws with a modern set of general directions, this power would be used by the Council in order to achieve that objective once a comprehensive set of general directions was in place.

### **5.2.2 Statutory Authority**

The provisions in Part 2 of the Order are authorised by paragraph 4 of Schedule 2 to the 1964 Act, which authorised a harbour authority to seek to include provisions in an HRO for the purpose of:

*"Imposing or conferring on an authority, for the purposes aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above".*

The relevant provisions set out in paragraph 3 are:

*"..for the purpose of-*

- a) Improving, maintaining or managing the harbour;*
- b) Marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or*
- c) Regulating the carrying on by others of activities relating to the harbour or of activities on harbour land."*

### **5.2.3 Need for Provisions**

Addressing the need for the provisions in Part 2 of the Order, this can be found primarily in the Council's obligations, in its capacity as the harbour authority for Newport Harbour, under the Port Marine Safety Code published by the Department for Transport in October 2009 ("the Code"). The Code applies to the Council as well as to all harbour authorities in the UK that have statutory powers and duties. The Introduction to the Code explains that the Code:

*"establishes the principle of a national standard for every aspect of port marine safety, and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. It applies to port marine operations the well-established principles of risk assessment and safety management systems. It provides a measure by which harbour*

*authorities can be accountable for the legal powers and duties which they have to run their harbours safely and help to discharge their obligations effectively”.*

The Code identifies several actions which harbour authorities must undertake in order to comply with its requirements, including reviewing and being aware of existing powers based on local and national legislation. Most importantly, the Code advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 3.4 of the Code states:

*“Harbour Authorities would be well advised to secure powers of general direction to support the effective management of vessels in their harbour waters, if they do not have them already”.*

To assist in the management of the harbour in compliance with the Code, the Council is seeking the power to issue general directions, and to update the harbour master’s powers to issue special directions, as recommended by the Code. These powers are required in the interests of providing safe navigation for a wide variety of vessels within a harbour.

The Council considers it necessary to obtain powers of general direction so as to achieve the purposes set out in section 14(2)(b) of the 1964 Act. Such powers are well precedented in harbour legislation. For example, on the 28<sup>th</sup> May 2012, the Secretary of State authorised the making of an HRO containing such powers in relation to Poole Harbour.

In terms of the precise scope of general directions, it will be seen that article 4(1) would allow the Council to give or amend directions *“...for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation, the safety of persons and the protection of property, and the prevention of environmental harm in the harbour”.* Such a scope is entirely consistent with the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables an HRO to confer powers for environmental conservation within the harbour. This approach has recently been approved by the Secretary of State, in the case of Poole, and by the MMO in the case of Cowes and Lymington harbours. In this case, it has also supported by Natural England in its response to the recent consultation exercise.

The Council has previously considered the alternative option of seeking designation under sections 40A-40D of the Harbours Act 1964. It has, however, rejected this option for three main reasons:

- There is a need to regulate vessels that do not fall within the definition of “Ships”, such as personal watercraft;
- The intention is to replace existing byelaws with a comprehensive set of general directions. This would not be possible in the case of harbour directions as they cannot be made in respect of individuals and cannot therefore regulate on-shore activities; and
- There is no ability to bring Harbour Directions into force in an emergency, without potentially going through the full adjudication process. This means that in a fast-moving operational environment, the emergency could have passed before the direction came into force. An example would be the introduction temporary new shipping routes to avoid a hazard in the harbour.

## **6 Part 3 of the HRO – Miscellaneous and General**

### **6.1 Overview**

Part 3 sets out the functions and powers of the Council, in its capacity as harbour authority, as well as other relevant rights given to it and others.

Article 12 sets out the general functions given to the Council, the extent to which it may exercise its discretion over the use of such functions, as well as the restrictions placed on its ability to exercise such functions.

Article 13 describes the extent to which the Harbours, Docks and Piers Clauses Act 1847 (“the 1847 Act”) is incorporated within this Order. This Act contains provisions relating to the construction, improvement and general operations of harbours, docks and piers, which can be incorporated by subsequent legislation. This Order incorporates all provisions of the 1847 Act except for sections 6 to 26, 28, 31, 33, 49, 50, 53, 54, 66, 67, 75, 76, 79, 80 and 83 to 90 of the Act, and while sections 61, 62, 63, 64, 69, 71, 72, 73 and 78 of the 1847 Act are incorporated, these are amended by the HRO. The level of fines for each of the offences in in direct conformity with those contained in numerous harbour revision orders, such as the Newhaven Harbour Revision Order 2015 and the Portland Harbour Revision Order 1997

Article 14 gives the Council the power to grant tenancies or dispose of harbour land in connection with the management of the harbour undertaking and to dispose of property that is surplus to what is required for the purpose of its harbour undertakings. Alternatively, the Council may appropriate such surplus property to another of its statutory functions.

Article 15 allows the Council to carry out commercial activities in the management of the harbour, provided they are conducive to the efficient and economic management of the harbour undertaking. In connection with such activities, the Council may form companies, either by itself or in conjunction with others.

Article 16 provides a general power for the Council in the management of the harbour to provide, operate or improve harbour services within, or in the vicinity of, the harbour.

Article 17 gives an authorised officer of the Council the right to board and inspect vessels on producing written authority signed by the Harbour Master, for the purpose of any Act or byelaw relating to the Council or to prevent or attend to any incident that may cause injury/damage to persons, property or the environment. This power can be exercised provided that notice is given to the owner or person appearing in charge of the vessel (except in an emergency). It is therefore compliant with powers of entry guidance.

Article 18 states that if demanded by the Council for the purpose of determining whether landing fees apply, the owner or master of a vessel must provide information relating to the number of persons embarking or disembarking their vessel or relating to the cargo being loaded or unloaded their vessel. The Article also sets out details of the vessels to which it applies, time limits of the owner or master to reply, and the offence of non-compliance. Again, this level of fine is consistent with similar offences in other HRO’s.



Article 19 makes it an offence for a person to obstruct or threaten an officer of the Council while performing his functions, or failing to give said officer information he requires without reasonable excuse. Again, this level of fine is consistent with similar offences in other HRO's

Article 20 states that nothing in this HRO prejudices the rights of the Crown.

Article 21 states that this Order does not prejudice or derogate from the rights, duties or privileges of Trinity House.

Article 22 gives details of the required form and method of service of notices.

Article 23 provides for the amendments to earlier harbour legislation that are necessary in order to implement this HRO. The amendments can be summarised as follows:

- The HRO does not change the geographical extent of the harbour limits. However, the definition of the harbour limits in article 3 of the HRO (above) replaces the written description in the 1988 Order in a more detailed format, with reference to WGS84 coordinates. The map forming part of the 1988 Order remains as a visual description of the harbour limits, but subject to the proviso that, in the event of there being a discrepancy between the written description and the map, the former should prevail.
- The definition of vessel in the 1988 Order is replaced by the definition in article 2 (Interpretation) of this HRO, so as to ensure all craft are embraced by the term.
- Article 8 of the 1988 Order (which regulates houseboats in the harbour) is amended so as to give the Council adequate powers to ensure that the mooring of houseboats in the harbour do not cause undue detriment to the amenities of the harbour.

## 6.2 Statutory Authority

The relevant objects specified in Schedule 2 to the Harbours Act that apply to each of the provisions in Part 3 are as follows:

Article	Relevant Paragraph of Schedule 2
12	3, 4 and 17
13	3 and 4
14	9 and 9A
15, 16, 20, 21 and 22	17
17	4
18	4 and 12
19 and 23	3

## 6.3 Need for Provisions

Article 12 of this HRO sets out the Council's powers and functions. Although more specific powers may be found elsewhere in the HRO and in other legislation, it is necessary that the HRO contains the Council's more general powers and functions.

Article 13 is necessary as The Harbour, Docks and Piers Clauses Act 1847 was enacted to assist legislators of subsequent legislation by providing precedent provisions relating to such harbour activities which are relevant, well-drafted and consistent for their use. The provisions incorporated set out crucial functions for the day-to-day running of the harbour.

Article 14 gives the Council flexibility to structure its property holdings in a way that optimises its ability to manage the harbour undertaking as efficiently as possible. Currently the Council cannot grant a lease on harbour land for more than 3 years which is commercially restrictive. Experience has shown that on those rare occasions where a person is prepared to take such a short lease, they are not prepared to do so on the basis that they are required to keep it in good repair. This power also includes the disposal of property, but only where it can be shown that this is either in order to improve the overall efficiency of the harbour undertaking or where the property in question is surplus to requirements. An example of the former is where it is proposed to vest the freehold in a property-owning company, but subject to an immediate leaseback to the Council in respect of all property that continues to be required for the management of the harbour undertaking.

By giving the Council greater flexibility to carry on activities which improve its management of the harbour, as well as being able to form other commercial entities to carry out its functions and powers, Article 15 allows the Council to improve its efficiency in the provision of harbour services.

Through Article 16, the power to provide, maintain, operate and improve harbour services and facilities will naturally allow the Council to provide a higher quality of service within the harbour. In contrast to Article 12, this is concerned less with the core activities of a harbour authority and more about the provision of incidental services to harbour users. The ability to take incidental action where it would enable the Council to provide a more comprehensive service to harbour users is in the interests of the more efficient management of the harbour.

The power given to the Council within Article 17 to board and inspect vessels is important to ensure the safety of the harbour. The requirement to serve notice prior to boarding aids the responsible and proportionate use of this power.

The ability of the Council to invoke the power established within Article 18 is necessary so that they may verify whether vessel operators are paying the correct landing fees.

The criminalisation of the acts mentioned in Article 19 is a necessary deterrent to promote the safety of the officers as well as to prevent the performance of their duties being hindered.

Articles 20 and 21 are necessary to clarify the fact that this HRO does not prejudice the rights of the Crown, nor Trinity House, as the latter was created under a Royal Charter.

Article 22 sets out the correct method of service of documents in order to clarify and achieve effective administration.

Article 23 is necessary in order to ensure that terms and expressions previously defined in early harbour legislation do not conflict with the various definitions contained in this HRO.

Article 8 of the 1988 Order (which regulates houseboats in the harbour) is amended so as to give the Council adequate powers to ensure that the mooring of houseboats in the harbour do not cause undue detriment to the amenities of the harbour. In

relation to the penalty for failing to comply with a notice served under this article, this is now linked to the appropriate standard scale, rather than a fixed sum of £400, which cannot take account of inflation. Finally, this article repeals an anomaly in the 1968 Order, which prevented the Council from making a charge for services rendered to harbour users, where that harbour user had already paid harbour dues.

## SCHEDULE TO SUPPORTING STATEMENT

Ref	Respondent	Comments which were made during the consultation	The Isle of Wight Council's response to the comments
1	B Brake	<p>I am obliged to respond to your invitation for comments.</p> <p>First and foremost, the concept of the Harbour must be recognised throughout the consideration of the provisions of the proposed Order.</p> <p>There may very well be a "hidden agenda" lurking in the background as evidenced by the article in the Isle of Wight County Press of the 23rd December 2016 of which a copy is attached hereto. The Regeneration Plan for the Island includes a reference to Newport Harbour with 65 homes contemplated. The development of the area with residences is rather inconsistent with the Harbour concept which the Order is seeking to further establish.</p> <p>The government policy to build more homes may be the spur. However, homes alongside the riverbank are hardly likely to be starter homes which the government are so fond of promoting.</p> <p>The Harbour should not become a residential area destroying the concept of the Harbour which the Order should be promoting throughout.</p> <p>The Order proposes powers to sell and lease property forming part of the Harbour which is deemed to be surplus to requirements.</p> <p>Who is to come to that conclusion?</p>	<p>The proposed redevelopment featured in the County Press on 23 December 2016 was from a private individual.</p> <p>The regeneration plan for Newport Harbour is yet to be formulated in detail and would be subject to planning permission and, depending upon the development, a works HRO.</p> <p>The Harbour Authority is seeking express powers to sell and lease property, without being restricted to a maximum 3 year lease, in order to be able to manage the harbour estate, which includes maintaining the estate, regenerating it and disposals – much in the same way as most Statutory Harbours do. All income from the Harbour and expenditure is reflected in the harbour accounts. Unfortunately, there is simply not enough income, in part as a result of the restrictions on the granting of leases for more than three years at a time, to maintain the current buildings. The provisions in Part 3 of the draft HRO are to enable the Harbour Authority to manage the assets more commercially, and with increased income, to be able to enhance and improve the harbour.</p> <p>The Council's Executive Committee is the Duty Holder in relation to the Port Marine Safety Code and would be the decision-making body for any such decision on land transaction as Harbour Authority.</p>

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		<p>Provision should be included for the Harbour facilities to be administered by a Harbour Management Committee consisting largely of suitable persons with maritime knowledge and experience. Compare Cowes and Yarmouth Harbours. Income derived from the Harbour and expenditure spent therefrom must be administered by an account exclusively for the purposes of the Harbour which must be administered by the Management Committee.</p> <p>My enquiries and observations reveal that properties forming the harbour concept have been neglected which makes the task of the Committee difficult. Why have they not been maintained from income derived from the harbour dues and other assets? Facilities at the Harbour need to be enhanced and improved upon to attract more mariners and visitors. The area has potential to contribute to the attractions and amenities of Newport and the Island generally.</p> <p>Perhaps the Harbour should be granted Heritage status with buildings acquiring Listed building recognition. Finance could thereby be attracted.</p> <p>The Harbours Act 1964 in section 11 in particular enables financial assistance to be made available for the improvement of harbours. Also included is provision for finance for any maintenance purposes. Why has this not been invoked?</p>	<p>The Council is required to produce annual accounts and includes the activity of the harbours within these accounts. The investment opportunities will facilitate the regeneration of the harbour.</p> <p>The harbour has a limited expenditure budget and through necessity this has been utilised to address health and safety and operational issues. As buildings have been leased for 3 years the basis of the lease has not been for a full repairing lease therefore placing the responsibility for building repairs with the Harbour Authority. .</p> <p>If such a plan were to be produced and then it was necessary to change it then effectively a new HRO would be required.</p> <p>As this was effectively the pre-consultation stage there is no requirement to consult with the MMO; however as good practice they were sent a copy of the draft HRO and the advertisement direct, hence they were not referred to in the press notice.</p> <p>If the statutory consultation goes ahead and there are objections which cannot be resolved then an enquiry may take place.</p> <p>A response was issued to the Fol request on 17 January 2017. Any further comments can be submitted if the statutory consultation stage proceeds.</p>

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		<p>A detailed plan of the Harbour extending from Sea Street to the waterside public house and recreation ground on the east bank should be prepared by an architect identifying to scale all of the features of the quay with buildings and landing stages. The plan should then form part of the proposed Order.</p> <p>The Marine Management Organisation must be a party to the changes proposed. Why is the reference to the MMO been omitted from the County Press notice? This could be misleading to the public and render the notice invalid.</p> <p>I understand that in 1988 a Public Enquiry took place arising from the revision proposals at that time. Evidence was given. Should not a similar Enquiry be appointed now particularly bearing in mind the increased powers that are being sought, the background and the prospects of residential development which detract from the Harbour concept?</p> <p>No response has been received at the date hereof to my Freedom of Information Request dated the 15th December 2016.</p> <p>I accordingly reserve the right to make further comments to you arising from the eventual reply which you will take into consideration as part of the current procedure.</p> <p>Please acknowledge safe receipt. I am obliged to you.</p>	
2	Christopher Dodds	I am writing to enclose a copy of my communication today, as sec. of NHAG & QSAG, to Alex Minns. You will	

Ref	Respondent	Comments which were made during the consultation	The Isle of Wight Council's response to the comments
		<p>see that this contains a formal objection to the proposed HRO.</p> <p>As there are no safeguards or guarantees anywhere in the proposed HRO giving any confidence that the interests of Newport Harbour will be properly protected any better in the future than in the last 60-70 years post approval of such HRO, we and our supporters have to formally Object to its contents in principle.</p> <p>Your answer to my question regarding the C P 23/12/2016 issue regarding up to 510 jobs within Newport Harbour, ie that both you &amp; Helen had no information where that information had come from, has proved to completely unacceptable.</p> <p>It came from the Report by Consultants Inner Circle presented, minuted &amp; put on the IWC website after the extraordinary meeting of the IW Executive on 15 Dec 2016.</p> <p>Please explain why you both denied knowing about the matters considered at that Meeting?</p> <p>Thank you for this response. Unfortunately the CP has intervened again with that 500 jobs mentioned yet again together with 'indications' that such as it is this proposal has been available for discussion for quite some time with input and presentations to various parts of the IW Council together with the Inner Circle proposals published on 15 Dec last.</p>	<p>The proposed HRO is in line with HRO's recently implemented at other similar sized harbours i.e. Yarmouth, Cowes and confers the same powers as most other Harbours enjoy.</p> <p>A written response has been made to this question. The report in question was produced by Inner Circle, a company appointed by the Isle of Wight Council to consider regeneration opportunities across the island .Newport Harbour and surrounding land was considered and the figure of 510 employees estimated from the square footage of the land in question as an estimate of what might be able to be achieved. However there are no firm plans and any development would be the subject of further discussion, would require the Harbour Authority's permission, planning and other consents.</p> <p>The article in the County Press related to a private developer – and at this time the council has no firm plans for development – but are investigating a range of regeneration options across the Island, including the Newport area.</p>

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		<p>It appears to me that you, as head of Commercial Operations, and Helen as Head of Legal Services appear to be the last to know anything about this mounting body of information as indicated by not admitting to any knowledge of it up to Tuesday 10 Jan 2017. We do not accept that.</p> <p>Consequently I am advising all the supporters of Newport Harbour (NHAG and other Groups) that we have to formally Object to the proposed HRO in its entirety as it is not fit for purpose in the current circumstances. This will quite possibly apply to any revised version of it.</p> <p>Having said that I will also remind you that at Tuesdays Meeting we stated that we were willing to agree a formula in principle for redevelopment within the Harbour Boundaries including its land, yet to be actually delineated on a properly agreed plan, involving a substantial majority of this land; &amp; for this land &amp; assets to be included in a Harbour Quarter Conservation Area based on the harbour's historic basin which we believe could eventually add value. But as the proposal contains no safeguards or binding assurances in the HRO to protect the Harbour itself we therefore formally Object to the HRO at this stage.</p> <p>We also formally advise the IWC that it should take note of Government recommendations contained in its 2006 Report - "Opportunities for Ports in Local Authority Ownership" which advises that Municipal Ports could</p>	<p>As drafted, the HRO defines the "harbour premises" or estate on a functional basis – in other words, whether the quays, etc are used as part of the harbour undertaking. Article 3(1)(b) effectively sweeps up those parts that meet the functional test but are not situated within the geographical limits set out in article 3(1)(a). In so doing, they all fall within the harbour limits and are therefore subject to the Council's statutory powers as harbour authority. This is particularly important in the context of general and special directions because, as drafted, such directions are intended to replace the need for byelaws. This can only be fully achieved if directions can be given in respect of activities taking place on the harbour premises and not just on the water, and it is for this reason that directions can be given to individuals and not just vessels. For instance, the authority may wish to give a general direction prohibiting the use of fireworks, which would extend to persons on the harbour premises and not just to vessels in the harbour. If harbour premises were defined by reference to a plan, there would be much less flexibility, which would mean that any new facility not situated within the drawn area could not be included within the scope of such a direction without a further amending HRO.</p> <p>Determining principles for regeneration and the division of the harbour land for different uses is not a valid consideration for the draft HRO, which does not propose any works. Future development plans will involve local consultation and all appropriate consents.</p> <p>The harbour, as it currently stands, requires considerable investment, both in terms of repairs and improvement. Any move to a Trust Port will require the Harbour to be financially viable – not just in terms of day to</p>



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		<p>&amp; should be replaced as Trust Ports, with Commissioners or constituted Harbour Management Committee/Boards comprising 50/50 responsible local residents and Councillors. As you can ascertain this is similar to the actual 'operating' model used at both Cowes &amp; Yarmouth and numerous other ports/harbours around the country. Fast progress could be made after forming a suitable committee/board and agreeing a formal Memorandum of Understanding to contain for instance - ground rules, reporting lines, charging and subsidies, dues &amp; assets, disposals (subject to an entirely new HRO to be drafted jointly by the IWC and the HMC) &amp; rentals, a value base of assets within the estate &amp; claw back provisions etc etc.</p> <p>We await your thoughts after consideration of this communication.</p>	<p>day running but its condition. Currently the income is insufficient to cover the basic repair and running costs – the council having had to loan monies this year to the Harbour account to enable essential works to be carried out. The need to release the 3 year restriction on leases to enable proper commercial arrangements to be put in place is the first step in terms of looking to see how the harbour can be managed in the future. The council does not rule out a Trust Port – but at the current time it is not an option.</p> <p>As we move forward with improving the harbour, its management will be part of the discussions.</p>
3	Roger Skidmore	<p>I have been learning about the new Harbour Revision Order (HRO). I must confess I don't understand all the small print but it does seem that the Council is awarding itself supreme powers over the future management of Newport Harbour.</p> <p>It is not my wish that the Council have the power to do things which might be to the detriment of the character and amenity of the harbour as we know it. Clearly something needs to be done but, for instance, I would not like to see it being sold off for private development or projects of a poor cultural nature. For instance, the Hovercraft terminal in Southsea is ghastly with the fairground there. A housing development project along</p>	<p>The Council's Executive Committee is the Duty Holder in relation to the Port Marine Safety Code and would be the decision making body for any such decision on land transactions. In making a decision it would have a duty to protect, preserve and enhance the harbour whilst recognising the potential benefits of any proposals under consideration.</p>

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		<p>the harbour may rake in cash for the Council but would take away the character of our historic harbour.</p> <p>The Council has a poor record for amenity conservation – e.g. the bus station shopping development – how did that ever happen?</p> <p>Will you please put the HRO on hold until satisfactory assurances can be made to limit the Council's powers in this respect?</p> <p>Will you please register this as a formal objection and confirm acceptance as such? Also please keep me notified as to progress of the debate.</p>	<p>It is the current limit in the Harbour Authority's powers that are preventing the Harbour's improvement. The Harbour is simply seeking the same powers that other Harbours have to be able to manage its assets commercially to the benefit of the Harbour and its users.</p>
4	1/13/2017 11:17 PM	<p>I make this submission with reference to the proposed amendments to the 1988 Newport harbour revision order in an individual capacity as one of the local residents of Quay Street and user of the Quay for recreation and walking and secondly as a qualified banister and former councillor of South Wight Borough Council and former local government officer.</p> <p>I am concerned about the proliferation of unnecessary legislation and powers which the Council wishes to seize to themselves which are totally unnecessary to manage the harbour which already has adequate legislation if properly used. Walking along Newport Quay since 2007 when I purchased one the oldest houses in Newport, I have watched the slow deterioration of her lacklustre and unattractive harbour; with the paucity of life and dereliction of its buildings the Quay is unappealing and</p>	<p>The proposed HRO is in line with HRO's recently implemented at other similar sized harbours i.e. Yarmouth, Cowes and confers the same powers. The HRO will allow resources to be directed into improving the harbour environment and allow the harbour to prosper and be maintained.</p> <p>The harbour legislation needs updating, specifically by addressing which sections of the 1847 Act should and should not be incorporated into the Order – to enable modern commercial management of the harbour estate, combined with the use of General Directions. The current byelaws are out of date, and the restrictions on leases directly impacts on the extend of funding available to the harbour.</p>

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		<p>sometimes rather menacing part of Newport town. The Quay under the present 1988, contains powers to manage the Harbour, raise levies, tolls etc, to grant leases for no more than three years, and maintain, manage, repair the buildings, wharfs jetties etc. The existing legislation also provides from house boats, promote commercial use of the waterway and requires dredging and the appropriate management of the river to ensure it is navigable even at low tide as far as Town Quay. This legislation is not solely found in the 1988 Revision Order but requires careful reading of all the previous Acts and the spirit in which the Harbour and River were ceded from the Crown to the Mayor, Aldermen and Burgesses of the Borough of Newport. The preamble clearly outlines the reasons for the transfer was to promote the development and expansion of the Harbour and river which was inadequate for the uses of the 'Town and surrounding area. It seems that successive mismanagement has taken the Quay right back where it started. The new proposals, seem to have two very clear functions, to take the issues of derelict vessels away from vessels and create a serious of criminal offences and to allow the Harbour Master to make purely subjective decisions as to the suitability of who can use the Harbour. Whilst I accept that any local authority has always had powers to lay any information before the Justices in certain circumstances but this places enormous power in the hands of one persons subjective opinion. The second function is the disposal of land, buildings, and even sections of the banks to private individuals or businesses. Historically there have always been issues relating to the</p>	<p>It is entirely appropriate that the Harbour Master should be able to determine matters in the harbour – that is his role.</p>

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		<p>designation of what constitutes the Harbour. I appreciate there is a description in words given and a reference to the map attached to the 1988 Order but it does seem strange that at a time when the Council seeks new legislation that this opportunity has been lost. An example of this problem can be illustrated by a recent planning application which referred to land and buildings at Black House Quay as being part of the industrial estate but still seems to be the concern of the Harbour Master. The same land has of course been subject to a series of failed attempts for development by previous administrations of the Council, because the proposed flats and hotel did not fall within the maritime uses proscribed for the Harbour. The Council clearly in seeking in these amendments to enact the recommendations of their officers in the review made at the request of the executive to identify property sales to boost the Councils funds. In the spirit of the 1852 Act there is an imperative to maintain the integrity of the Harbour and not to suffer it to be diminished. The Council has historically granted leases in excess of the prescribed three year duration, failed to dredge the river and allowed a diminution to the navigable parts of the river. They have failed to remove obstructions and sunken vessels, whilst actively impeding the use of houseboats which are required by the 1988, a failure to properly display tolls, fees and dues within the harbour and lastly a failure to keep Harbour funds discreet from other funds and spent on the maintenance of the Harbour; this list is by no way exhaustive. The extensive catalogue of mismanagement which has been repeatedly</p>	<p>The council is quite clear that money from disposals would need to be reinvested in the Harbour. It is not in the Harbour Authority's interest to dispose of all of the estate as on going income is required, using both the water and the estate to fund the Harbour.</p> <p>The council has acknowledged that in the past leases of over 3 years have been granted – in error – this is recognised and will not recur.</p> <p>The harbour has a limited expenditure budget and through necessity this has utilised to address health and safety and operational issues. Despite capital funding bids being made to the Council for wall repairs and capital dredging these have effectively been in competition with the requirements of statutory services such as Adult Social Care and Education. However the Council has, in the last 3 years, undertaken works to improve vehicle and pedestrian access as well as addressing health and safety issues raised during the PMSC audits and very recently</p>

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		<p>brought to the attention of the Council, the District Auditor, the MP and the Department of Transport. I understand that at a recent informal meeting which was minuted that the Council did accept mismanagement and hinted that the 'Council would consider closing the harbour which does not from the legislation seem to be an action the Council could take and that the Secretary of State would have to step in in such an event. The new order is peppered with terms relating to the Councils authority as 'considers appropriate', 'may consider necessary', 'they consider to be surplus', and consider desirable, all of these phrases are wholly subjective and do not build it ant safeguards for the exercise of the powers. They do refer to designated consultees but it does seem that the Council gets to nominate who these people are going to be, so it does not represent a true safeguard for the use of wide ranging power. I would be the first to welcome and excited by regeneration of the Harbour, to see appropriate businesses, leisure facilities and the hospitality sectors to set up residence in the Quay and generate something along the lines of possibly Weymouth or other quayside areas of the country. I also appreciate that the Council would not have the funds to compensate for erroneously granted leases, rectify the failures to dredge the river resulting in the degradation of the waterway, and the general degradation of the area without finding a suitable funding stream. I would invite the Council to consider crating a body similar the Harbour Commissioners of Cowes and Yarmouth, who appear to manage their harbours with more success. The body would be independent of the Council, although no doubt</p>	<p>agreed to provide capital to replace the piles and pontoons at The Folly, at considerable cost.</p> <p>The council, in a public report, invited its members to consider whether to proceed with a HRO or a Closing order – the council agreed to pursue a HRO. This information is in the public domain.</p> <p>The decisions will be those of the Harbour Authority – and the members of the council who will make those decisions will do so in the interests of the Harbour.</p> <p>The proposed order does not preclude the formation of a commissioner type body although this is not currently an option the Council is in a position to consider due to the finances of the harbour. The current harbour income is not sufficient to meet the running costs of the harbour (unlike Cowes and Yarmouth) and has no funds therefore to fund any maintenance or capital works. Until the harbour is able to demonstrate that it is financially viable, considerations for a Trust Port are not an option. This HRO may improve the financial position of the harbour, and with future regeneration this may allow a Trust Port to be considered in the future.</p> <p>Separate accounts for the Harbour are operated and the council's own budget difficulties do not directly impact on the harbour – save that in looking to the council to loan money to the harbour for essential works, the harbour not having the funds, the Harbour is having to complete with</p>

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		<p>they would be represented, and therefore not subject to the pressures of the great budget difficulties of the Council. The interests of the Harbour could then be promoted and the Harbour Master would report to and be responsible to that body. I would also welcome a period of appropriate management of the Harbour under existing legislation before the Criminalisation of Harbour users and disposal of assets is given to the Council without proper scrutiny.</p>	<p>other areas of the council. Without the Council's financial help, the Harbour would struggle to even be health and safety compliant.</p>
5	<p>Sam Fulford 1/13/2017 3:16 PM</p>	<p>As a representative to the Harbour Users, I write to ask questions, make comment, and object to the planned Harbour Revision Order 2017. I have concerns about this Revision Order, as follows, the first are questions, not an objection. My Objection to the Harbour Revision Order 2017, with regard to the 'Power to grant tenancies, and to dispose of land' on page 2 of this letter. With regards to Part 2, Pam 5 Who will be the designated consultees? How will they be appointed? Will they be required to have an in depth knowledge of harbour matters and the needs of vessels, and the challenges masters of vessels face in handling their craft etc? Part 2 Para 7 (a) What constitutes an emergency? We see many 'Emergency's happening in recent times with new laws a result. Para 8 (a) inc Publication of General Directions , Para 6 (a) , To give notice as soon as 'Practicable'?!? What does this mean? When someone can get around to giving the notice to the Isle of Wight County Press? After lunch maybe? Or next week if I'm not too busy? It is sloppy and vague. Publication of general directions, Para 6 (2). What the devil does this mean!? In an emergency?? What is an emergency? The harbour masters cat falling</p>	<p>The Council's Executive Committee is the Duty Holder in relation to the Port Marine Safety Code and would be the decision making body for any such decision on land transactions. In making a decision it would have a duty to protect, preserve and enhance the harbour whilst recognising the potential benefits of any proposals under consideration.</p> <p>The proposed HRO and terminology is in line with HRO's recently implemented at other similar sized harbours i.e. Yarmouth, Cowes and confers the same powers.</p>

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		<p>in the river!? Notice of General Directions will be given in any manner the council see appropriate!? What is that!? A message in a bottle floated down the river perhaps? This is sloppy. It is vague. It is not acceptable. A time scale needs to be given. Special Directions as to the use of the harbour, etc 7 (c) (ii) Requires the removal of any vessel from any part of the harbour if it is immobile. Any vessel, as soon as any work is done could be considered immobile. From engine repairs, to removing hydraulic steering equipment, to remove a vessels window to fix a leak would make it unfit for sea. My own works restoring the Vessel MFV119, (National Historic Fleet, No 1841), I restored from wreck to finished sea going vessel, was only possible because Newport Harbour was available. That vessel was immobile for many years during the work. I have deep concern that there are no places left for this kind of restoration project to take place. In General, vessels in harbour need repair works. They will be immobile. (iii) Any one interfering with the enjoyment of the harbour to be removed?? Does that mean that anyone working on a vessel, making noises, trying to earn a living, will be considered a nuisance and removed?? Newport harbour is in an industrial estate. It is an industrial area. We need clarification on this. And that clarification to be remembered. Enforcement of Special Directions. 9 (1) If the representative of the Harbour Master, for the purpose of carrying out 'special directions' is put onboard a vessel, and that vessel runs into trouble in the process of carrying out those directions, Who will be liable for the damages that may occur? Who on the harbour authority is qualified to</p>	<p>Clearly a boat that is subject to maintenance work ie winter maintenance on the quayside between November and March could be considered immobile but would be subject to the application of what is reasonable.</p> <p>The key objects of the proposed Order are to:-</p> <ul style="list-style-type: none"> <li>• provide the Council with further modern powers on the Council that are considered conducive to the efficient and economic operation, improvement, maintenance and management of the harbour</li> <li>• to replace all existing byelaws with a modern set of general directions.</li> <li>• give the Council the flexibility to structure its property holdings in a way that optimises its ability to manage the harbour undertaking as efficiently as possible.</li> </ul>

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		<p>move larger vessels, and what insurance is in place if damage occurs. Rationale. What rationale is there to support the need to change existing law and to give directions? Has a risk analysis been done to identify a particular problem? If so, what was the problem? Is there an increase in harbour traffic? No? Are any Harbour activities at risk? No? Have any accidents happened in the Harbour? No? There seems to be little need to change law and to give directions, the harbour has always run peacefully, Its users content, Its income steady. (we are told that the harbour was always making a loss, yet how can this be? There are less users now, no maintenance has ever been done, so what has changed to make a sudden profit? Perhaps the method of accounting? Power to grant tenancies and to dispose of land. This is my objection to the Harbour revision order 2017. The harbour at present enjoys the protection of the wisdom of ancestors who put in place law to protect public property from mismanagement and abuse. To be able to decide whether or not disposal of land is the correct thing to do, we would need to be able to see what other harbour land achieved in value, in disposal sale or long term tenancies given. The Travel Inn site for example. We would need to look at the income from the present leases, to be able to understand the value in long term leases or disposal. For example, The plot of land to the south of the Gravel Yard, at Black house Quay was recently advertised at £15,000 (Per year I assume) (I have heard that same plot is actually leased for £5,000 per year.) So, If we be optimistic and say that land is achieving £15,000 per year. Over 125 years that brings in</p>	<p>The current restrictions on leasing land and property (3 years and marine related) severely restricts the ability for companies to be able to invest in the development of a site. Over the last 3 years eight areas of harbour estate have been marketed and there has been a considerable amount of interest in each one; however without exception when the agents have advised that it must be marine related and for a maximum of 3 years this has eliminated 80-90% of the interested parties.</p> <p>The ability to grant longer term commercial leases would increase the attractiveness of every site and have the potential to considerably increase the rent payable therefore boosting the harbours income and the ability to fund improvement works.</p> <p>The existing HRO does not provide the ability for a 3 year lease to be renewed upon expiry.</p>



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		<p>£1,875,500. That's far more than selling the land on a long lease of 125 years for what? £100,000? Ok, I may over simplify, lets say the land is empty for 62.5 years, Half the time, that's still one hell of an income!! If we say the land plot only brings £5,000 per year, over 125 years, that's £625,000! still vastly more than selling a long term lease. That's just one plot! Newport Harbour has a large estate. If money is needed for Harbour repairs and dredging, Money should be able to be raised against this income. We talk about the 3 year leases as being a problem. That is not a problem. It has been said they prevent banks lending money on this land. With a 3 year lease, it keeps the financial cost low, so small business have a chance to obtain use of the land. What small start up business could afford, or risk tying into a long term lease? It allows unused land space to be quickly put into use. It allows a business to leave that land easily on a down turn of trade, it allows the harbour to re take use of the land after a short period if the lease holder is not suitable for the harbour. What is needed, is a facility for the lease holder to be able to have assurance his lease will be renewed every 3 years. This is what is needed in the Harbour Revision Order. With security to that lease holder, that the Harbour authority cannot revoke his lease, unless he fails to meet the criteria agreed upon in that lease. That would give a solid grounding of security for the lease holder, to borrow money for investment etc, it gives the authority the opportunity to take back a lease which is not meeting requirements, It allows small business to have a chance at getting land space near the water. It is virtually impossible to find work space along</p>	<p>The draft HRO will enable longer term occupation of the harbour estate and improving the revenue position which will in turn assist in funding longer term issues such as wall repairs and capital dredging.</p> <p>The former Vectis Shipping building is indeed derelict, however the harbour funds are insufficient to address the considerable works that would be required to make the building serviceable and facilitate t being marketed as a leasable opportunity. The Council has received enquiries from third parties that would like to take on a lease for the building but they have all requested long term (25+ years) to enable suitable investment.</p>

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		<p>the waters edge for the repair of boats. This is a problem all over the country. Virtually all suitable land space has been set aside, or been used for housing developments. It is said the existing harbour laws that allow only marine related business to use harbour land is a problem. Of course only marine related business should allocated land space by water! It gets a bit crazy if you allow a car sales business to use the quayside, but the business involved in boat repair has to work inland! Yet, although hard to believe, this nonsensical thing is happening right now in Cowes. Boat building and repair business are moved inland, so the water frontage is kept clear for folks to sit and look at the 'nice' view when they are in their proposed holiday flats. This stupidity has never surfaced in Britain before. Yet we endure this cancer now. The existing harbour laws protect this land, to prevent this kind of lunacy taking place, and that must remain in place. If the land is disposed of, what income will it actually achieve? In the Harbour Users Group I attend, it has been said over £2 million will be needed for dredging and quay wall repairs. Will all the land, if sold raise £2M? Probably not? If it does, that will pay for the dredging once. What happens in 15 years time, when the dredging operations need to be carried out again? What will be sold then? Where will that money be found? There will be nothing left to sell, there will be no method of raising the necessary funds. The harbour, without the harbour estate to support it, cannot survive, the income from vessels alone is not great enough to pay for the necessary repairs and maintenance. It would barely cover the costs of the Harbour staff. The authors of the older harbour</p>	<p>As previously stated third parties interested in parts of the harbour estate have been put off by the 3 year and marine related restrictions as this effectively prevent investment and payback over such a short period.</p> <p>Any increased income for the harbour would directly benefit support the running and maintenance responsibilities of the harbour.</p>

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		<p>laws, the far seeing ancestors, could see this need, that is why they put the Harbour Estate under protection of law. The only problem Newport Harbour has been blighted with over the many recent years, is absolute lack of management, lack of care, giving away assets to whomever the council has favoured. Let us look at the Premier Inn site. How much income to the harbour was made? The land disposal even contravened existing harbour laws, it was an illegal sale, Vet Paper B in 2012, was made long after, to make the illegal act legal. No other person, or organisation would get away with such things. I believe that all land in the Harbour Estate is leased. There is not one empty plot. Apart from the Vectis Shipping building, that is allowed to fall into disrepair to provide a perfect excuse for this revision order to be needed. We see the same thing in Medina Yard, Cowes. A thriving shipyard, producing ships still today, being allowed to fall into disrepair in order that a favourable outcome will be gained on the planning application to build apartments on that site. It is interesting to note that the Isle of Wight County Press seem to have no interest in reporting the incredible works of South Boats and their fantastic achievements. Democracy is only possible if the people have true and correct information on which to base their voting. It does not fit to the 'retirement home' of the Isle of Wight. Heavy industry is a dirty word. It is also interesting that we see prices of land available to lease in the harbour, advertised at such a high price, that no sane person would be interested. The land, or building then seems to be let at a price 1/3rd or less of its original advertised</p>	

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		<p>price. Many potential investors having been put off. If that land had been advertised at the actual lease value, more people would have applied. Or is this the intention? We see this same problem on a lot of waterside frontage, in most areas, work space so expensive, it is not possible to rent and make any profit in business. That is why these places are derelict and unused. The land leasing system needs to be open, an auction style, for the first lease. That would make for a more transparent and better value. If this Harbour Revision Order is successful, who will be the beneficiary of the long term leases? On the 7th June 2016, on page 7 of the Isle of Wight County Press, It was reported that a plot of land at Ventnor Industrial Estate was sold for £15,000 for a 125 year lease. (£2.30 per week!!). I do not criticise the business that bought the lease, if they are fortunate enough to be able to take advantage of such a situation. My point is, will 125 year leases be given on Newport harbour land for similar figures if the applicant is a favoured one? Who will be the beneficiaries of land disposal? Will existing lease holders be given first refusal of the land on disposal or long lease? Will consideration be given to existing lease holder with established businesses on those site, when that site is removed from them to be disposed of? It all seems odd, the problems that will arise for existing lease holders could be considerable. For example, if the Gravel Yard at Blackhouse Quay is forced into a modern lease of twice, or 3 times the current value, will that business look at the diminished profit margin, and consider that the business is no longer worthy of continuance? Will consideration</p>	<p>These are matters that are not for determination within the HRO, but are for the Harbour Authority to determine.</p>

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		<p>be given to all the staff who could lose their jobs? Or Carpenters Quay, with the Odessa Boat Yard leasing that plot. How will the storage of boats in winter, (an essential service to the harbour) afford a higher lease? Or afford to buy a 125 year lease? The profit margins of storing boats cannot be that high! Will these sites be left empty? So we are told that no one wants them, and it becomes within the public interest that they be sold for building developments and we see 5 storey blocks of flats erected? Unless of course, that land is leased at an incredibly low value. If an existing lease holder is given preference of a long term lease at a very low price, as in Ventnor, how could that be fair? His property portfolio would increase in value to an incredible level, He will profit only, for when he sells that same lease 3 years later, he will sell at full market value. If land is leased or disposed of at low value, how can money be raised to pay for dredging and harbour repairs? It cannot. This section of the Harbour Revision Order needs careful scrutiny. And, at this stage it must be rejected until these issues have been clarified. I believe the current method of running Newport Harbour is not good. A Harbour Commission, made of elected representatives, people with a keen interest in the Harbour is needed. Newport Harbour cannot be turned into some kind of conservation area restricting forward movement. This must be guarded against, the disease of nostalgia needs to be kept in check. There is only one direction we travel, that is into the future. The Aluminium boat builders who have moved into the old bus museum shed is an example of what we need. We see many harbours around our mast</p>	

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		<p>which have been' improved', where all you see is (in my opinion) row after row of fibre glass small boats, some of appalling design, that rarely get used, with little character. One only needs to view Lymington from the ferry to see this depressing view. Newport Harbour is one of the most interesting places one can visit for anyone who has an interest in the development, and differences of traditional boat design. We see Vessels that served us in WW2, in fine condition and giving more pleasure than they ever did in their youth. We see converted RNLI lifeboats, old ships life boats, Gentleman's Motor Yachts from the 1920s through to the modern. We see home made craft, the culmination of a persons dreams come to reality, however the rest of us look at these creations, they meant a great deal to the person who created them. We see fishing boats of different design and size. The beautifully designed wooden Dutch trawler 'Themis', a vessel that sadly demised recently, but one which was rare, an example of the type and of great interest. Gravel barges discharging cargo into Blackhouse Quay, so interesting, giving such a scene of prosperous working, a changing scene that is fascinating to anyone with an inclination towards such things. Those who have no interest in such scenes should stay well away from Newport Harbour. Their Televisions supply the all the entertainments they require. We see the fantastically interesting vessels at the start of Newport Harbour. The paddle steamer 'Ryde', that should have never been allowed to fall into such condition, ripe for restoration, and opposite, the wreck of the ex admiralty wooden fishing trawler 'Yellowfin' on</p>	

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		<p>which I spent my youth playing. Newport Harbour is one of the most interesting, beautiful harbours in the country. The development of this area needs to be guarded against with extreme caution. If some users of the Harbour want a place like Lymington, they should go to Lymington, and leave Newport well off their destination plans. There are plenty of places they can visit if that what they want. Newport is a rarer thing.</p>	
6	Francis and Harriet Phillips 1/13/2017 1:08 PM	<p>While we support many of the aims of the proposed revision order we do not accept its dismissal of the alternative of creating an independent statutory Trust Port with a board of well-informed and experienced trustees/commissioners charged exclusively with protecting and advancing the interests of the harbour and its stakeholders; and, most importantly, vested with the necessary financial and other powers to implement its brief. There are no obvious reasons for treating Newport harbour any differently from other harbours on the Island and elsewhere and reasons advanced for rejecting this option are not convincing. After informal discussions with councillors it is our understanding that this is indeed the ultimate intention of the proposed order. If that is the case it should be clearly set out in the order and it should include a timetable seeing out the stages by which the plan to create the Trust Port will be implemented. The proposed order should also contain a clear delineation of the harbour estate. This would avoid future argument about the extent of the estate and allay any suspicions that the Council / harbour authority choose to include or exclude assets to suit their purposes</p>	<p>The proposed order does not preclude the formation of a commissioner/trust type body although this is not currently a option the Council is looking to actively pursue. It may facilitate this in the future</p> <p>The extent of the harbour is accurately set out in the draft order.</p> <p>At this stage it would be premature to set a timetable with regard to a Trust Port – as progress will depend upon the investment and improvement of the harbour and its financial viability.</p>

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		when it suits them. It is also a basic requirement for drawing up a credible balance sheet and set of accounts.	
7	Richard Morgan Marine Lead Adviser Dorset, Hampshire and Isle of Wight Team Natural England 1/11/2017 11:26 AM	Thank you for providing Natural England with the opportunity to comment on the proposed Newport Harbour Revision Order 2017. We have reviewed the draft Order and accompanying information and welcome the proposed addition of powers under Article 4; to give or amend directions for the purpose of preventing (or ameliorating) environmental harm in the harbour. Please do not hesitate to contact us should you require any further information. Kind regards.	Duly noted.
8	Gus Lewis Royal Yachting Association 1/3/2017 11:53 AM	The Statement in Support (at page 5) describes Article 12 of the draft Order as providing "a separate power of revocation in relation to existing byelaws", which Article 12 of the draft Order as published does not do. Article 12 of the draft Order in fact refers to a power to designate parts of the harbour and there is nothing in the Statement in Support that explains why this provision is either necessary or appropriate. It is acknowledged that Article 12 of the draft Order is based on the equivalent provision in the Yarmouth (Isle of Wight) Harbour Revision Order 2011 but that provision was justified by the Yarmouth Harbour Commissioners by reference to specific features of Yarmouth Harbour. Should the Council be able to justify the inclusion of a power to designate parts of the harbour in relation to Newport Harbour then the provision should preserve the public	The Statement in Support will be reviewed to ensure that numbering is accurate. It is article 11 that deals with the revocation of byelaws.  Should the proposed HRO proceed to the statutory consultation stage, we will ensure that the supporting Statement in Support addresses this point.



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		<p>right of navigation in addition to any public rights of way over land. A suggested provision is as follows:- "(1) Subject to paragraph (3) but notwithstanding anything else in this or any other statutory provision of local application, the Council may from time to time set apart or appropriate any land or works within the harbour owned or managed by the Council for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel or class of vessels or goods, subject to the payment of such reasonable charges and to such terms, conditions or regulations as the Council thinks fit. (2) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any lands or works, so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Council, and (a) the harbour master or, as the case may be, such officer may order any person or vessel making use thereof without such consent to leave or be removed; and (b) the provisions of section 58 of the Harbours, Docks, and Piers Clauses Act 1847 shall extend and apply with appropriate modifications in relation to any such vessel. (3) Nothing in this article shall authorise the prohibition of navigation within any part of the harbour, nor shall it authorise interference with the public right of way across public slipways and public quays.</p>	<p>Consideration will be given to this proposed amendment should the proposed HRO proceed.</p>
9	1/2/2017 6:05 PM	<p>The Newport (IoW) Harbour Revision Order 2017 As an Island, it is of paramount importance that our ports and harbours are as efficient as possible in allowing the free movement of good and people. They must also be seen as essential parts of the commercial activity of the</p>	

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		<p>community. To this end, the infrastructure of the harbours that have been built up over centuries must be retained and improved to meet modern needs. Change always takes place. It is unwise to try to maintain the status quo indefinitely. However one fact is certain - land that is sold for residential development is lost to commerce and industry. This is just as true in harbour areas. Building houses on any property adjacent to a harbour will reduce that harbour's ability to be financially successful. There will be a short-term financial gain but in the long term the financial success of the harbour will be limited or curtailed. Therefore these proposed amendments are aimed at maintaining Newport Harbour as a valuable commercial asset for the Island well into the future. Amendments to proposed wording. Part 2 Harbour Regulation section 12 Power to designate parts of the harbour. 12.1) Notwithstanding anything else in this or any other statutory provision of local application, the Council may from time to time set apart or designate any part of the harbour for the exclusive, partial or preferential use or accommodation of any particular trade, activity, person, vessel, class of vessel or goods, for the purpose of marine related activities, subject to the to the payment of such reasonable charges and to such terms, conditions and regulations as the Council think fit. Part 3 Miscellaneous and General section 15 Power to grant tenancies and to dispose of land 15 (1) The Council may, for the purposes of or in connection with the management of the harbour undertaking, dispose of, lease or grant the use or occupation of, or any right or interest in or over, any land, works, buildings, machinery,</p>	<p>The council wishes to see marine use continue but restricting use or disposals to marine use only is likely to render the harbour unviable financially. Without a viable proposition for the harbour, the harbour will continue to deteriorate. By enabling mixed uses, the viability of the harbour will be improved for all users.</p> <p>At this time, regeneration plans for the harbour estate have not been developed and would be subject to planning and other consents.</p> <p>The proposed amendments suggested are not therefore acceptable as they would result in a non-viable harbour.</p>

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		<p>equipment or other property forming part of the harbour premises for such period, at such rents and for such other considerations and in such terms and conditions as shall be agreed between the Council and the person taking the same, except that any such disposal or lease shall be for the purpose of marine industry and not for residential development. 15 (2) The Council may also dispose of, appropriate to another use for which the Council has statutory powers or grant the use or occupation of, any property held by them for the purpose of the harbour undertaking, which they consider to be surplus to that required by them for the purpose of the harbour undertaking, so long as the disposal or appropriation is for marine related purposes and not for residential development. 16 (2) Without prejudice to the generality of paragraph (1) the Council may invest in and promote, or join with any other person in forming, investing in and promoting, companies for investing in, using or developing for any purpose other than building residential accommodation, or for carrying on any marine related trade or business in, the harbour.</p>	
10	12/22/2016 9:12 AM	<p>I am not happy with the proposed new powers sought to enable sell (eg to a property company) and leaseback of council land at the harbour. Both the Government and the Council in recent years have embarked on policies and schemes to privatise services rather than providing them in house. In my view all this does is to secure a costly deal, puts in another level of responsibility (or sloughs off responsibility on each other), another layer of cost and privatises the profits, while putting the losses on to the council. Once land is sold control can never be</p>	<p>The proposed HRO and terminology is in line with HRO's recently implemented at other similar sized harbours i.e. Yarmouth, Cowes, and confers the same powers.</p> <p>The draft HRO will enable the ability to grant longer term commercial leases would increase the attractiveness of every site and have the potential to considerably increase the rent payable. It does not necessarily mean that the council will sell off any part of the harbour estate</p>

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		<p>regained. Private companies break deals with impunity, deliver minimal service necessary within the contract and are (as they are set up for a primary purpose) solely concerned with asset stripping/milking the enterprise for private profit.</p>	
11	11/25/2016 11:13 AM	<p>The highest standards of environmental quality, ecological bio-diversity and sustainability -for marine, animal, and bird life - as well as from the perspective of the residents and visitors to the harbour, should be the guiding principle to info" any future management of Newport harbour and any commercial or non-commercial activities that are proposed in the future. If these standards and thresholds are not met future activity to be either discontinued or not commenced. These standards to be agree with the Areas of Outstanding Natural Beauty -AONB Isle of Wight and other relevant Marine Conservation Organisations for the Isle of Wight.</p>	<p>Although Newport Harbour is not within the Isle of Wight AONB the jurisdiction of the Harbour Authority is within or adjacent to a number of national and internationally designated protected areas for nature conservation. These include the Solent Maritime Special Area of Conservation (SAC), the Solent and Southampton Water Special Protection Area (SPA) and Ramsar, and the Medina Estuary Site of Special Scientific Interest (SSSI). There are also a number of Sites of Importance to Nature Conservation (SINC) in the area.</p> <p>Any development on or close to the water would have to take these designations into account and in most cases work would have to be carried out to assess the environmental impact of any plans or projects in the area. Land based projects would be assessed under the planning regulations and also have to take the terrestrial and marine protected areas into account. If the assessment process identified any potential impact on the nature conservation interests then measures would have to be taken to reduce the impact. If the impact was significant then the project would have to be changed or discontinued.</p> <p>The Isle of Wight Council has responsibilities under the legislation that designates the protected areas to ensure that the harbour works would not have a significant impact on the designated features such as the wildlife or the habitats in which they live.</p> <p>The proposed HRO does not include any works.</p>