



## GLOUCESTER HARBOUR MANAGEMENT PLAN

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# Limits of the Gloucester Harbour



## GLOSSARY

'ABP'	means	Associated British Ports
'AONB'	means	Area of Outstanding Natural Beauty (see p23)
'CHA'	means	a competent harbour authority pursuant to section 1 of the Pilotage Act 1987
'COMAH'	means	Control of Major Accidents and Hazards
'dwt'	means	deadweight tonnage
'Gloucester Harbour Byelaws'	means	GHT's Byelaws 1998 and 2006 confirmed by the Secretary of State for the Environment Transport and the Regions on 16 October 1998 and by the Secretary of State for Transport on 10 May 2006
'GHMP'	means	the Gloucester Harbour Management Plan
'Gloucester Harbour'	means	the area within the limits defined in Article 11 of the Gloucester Harbour Revision (Constitution) Order 2002 (2002 No. 3268) and shown on the map (page 2)
'GPP'	means	the Gloucester Pilots Partnership
'HA'	means	a harbour authority as defined in the Harbours Act 1964
'HRO 1988'	means	The Gloucester Harbour Revision Order 1988 (1988 No. 40)
'HRO 1994'	means	The Gloucester Harbour Revision Order 1994 (1994 No. 3162)
'HRO 2002'	means	The Gloucester Harbour Revision (Constitution) Order 2002 (2002 No. 3268)
'Harbour'	means	a harbour as defined in the Harbours Act 1964
'Harbour Master'	means	the Harbour Master for the time being of GHT and includes the relief service provided under contract by GPP
'main navigation channel'	means	the main navigation channel as defined in the Gloucester Harbour Byelaws
'Marine Officer'	means	the Marine Officer for the time being of GHT

'NE'	means	Natural England (formerly English Nature)
'NRW'	means	Natural Resources Wales (includes the former Countryside Council for Wales, Environment Agency wales and Forestry Commission Wales)
'OPRC'	means	the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990
'PMSC'	means	the current Port Marine Safety Code for Ports issued by the Department for Transport and includes the Guide to Good Practice on Port Marine Operations
'SSSIs'	means	Sites of Special Scientific Interest (see p22)
'SACs'	means	Special Areas of Conservation (see p22)
'SPAs'	means	Special Protection Areas (see p22)
'The 1987 Act'	means	The Pilotage Act 1987
'this Plan'	means	the Gloucester Harbour Management Plan
'WG'	means	the Welsh Government (formerly Welsh Assembly Government)

## I FOREWORD

- I.2 This plan was originally prepared by GHT in 2002 to summarise its responsibilities in properly managing the Gloucester Harbour and to set out its policies to achieve this aim. Relevant organisations including the Gloucester Harbour Users Consultative Committee, the environmental agencies, riparian local authorities and local stakeholders were fully consulted at that time and their comments taken into account.
- I.4 GHT's jurisdiction in the Severn Estuary is limited to the area defined in the HRO 2002 and it is only responsible for the tidal part of the River Wye downstream of Bigsweir Bridge (HRO 1988) (see map on page 2). However, much of the planning taking place looks at both the Severn Estuary and the River Wye as a whole and the many environmental designations and planning groups in the area involving GHT extend beyond its jurisdiction.
- I.8 It is important to note that both the Severn Estuary and River Wye have English and Welsh boundaries, so the British Government, the Welsh Government and Local Authorities in England and Wales are all involved in their management. The boundary between England and Wales is defined in the National Assembly for Wales (Transfer of Function) Order 1999. Consequently, the Gloucester Harbour covers both English and Welsh waters.
- I.9 Following the Sea Empress incident the Department of the Environment, Transport and the Regions (Ports Division) issued the Port Marine Safety Code covering all port safety functions. The Code lists the duties and responsibilities of harbour authorities and the Gloucester Harbour Trustees, as a competent harbour authority and a Trust Port, certified compliance with the Code in 2001. It continues to review its policies and procedures at regular intervals and issues further Statements of Compliance as required by the Maritime and Coastguard Agency from time to time.
- I.10 GHT revised its constitution in line with the Trust Port Review and the Guide to Good Governance through the HRO 2002 which also formalised links with its stakeholders in the Harbour by the creation of an Advisory Body.
- I.11 The Harbour Management Plan lays down guidelines which will be followed by GHT and its officers in carrying out their duties and responsibilities as the competent harbour authority under the Pilotage Act 1987 for the Gloucester Harbour. The plan is reviewed and updated at regular intervals to ensure it reflects changes which inevitably occur from time to time.

## **2 BACKGROUND**

- 2.1 The Trustees operate as the statutory harbour authority for the Gloucester Harbour and a competent harbour authority pursuant to the Pilotage Act 1987. Powers are defined in national and local legislation. Their main duties and responsibilities are to ensure the safety of navigation and the protection of the environment within the Gloucester Harbour through the provision of a pilotage service and the provision and maintenance of navigation aids. The Trustees are a statutory body, classed as a Trust Port, and, as such, the doctrine of 'ultra vires' applies to them. They derive their powers from general legislation and local Acts and Orders. The Trustees aim to break-even each year and any surplus is reinvested for the benefit of the Harbour and its stakeholders.
- 2.2 Under its current constitution, GHT comprises 11 Trustees appointed in accordance with the provisions of the HRO 2002. Trustees retire in rotation every three years but are eligible to apply for re-appointment for two further terms. The Trustees meet regularly throughout the year and are responsible for the overall strategy and performance of the Authority. The Trustees aim to run an efficient, effective and economic operation for the benefit of all stakeholders.
- 2.3 The Severn Estuary has an immense tidal range and contains mudflats, sandbanks, rocky platforms and saltmarshes. The waters of the Upper Severn Estuary can be extremely rough and there is virtually no shelter. The tidal streams are very strong and may reach 8 knots or more on full flow and ebb and sea conditions can deteriorate rapidly throughout the area under certain conditions. Great care is required by all vessels navigating within the Gloucester Harbour,
- 2.4 Pilotage is compulsory for all vessels whose length overall is 30 metres or above. Traffic within the Gloucester Harbour includes 400 to 500 commercial vessel movements in or out of Sharpness Dock each year, with cargoes such as cement, coal, scrap metal, grain, fertiliser, stone and forest products. There is currently no tanker traffic. A sand dredger operates within the Gloucester Harbour on a regular basis. Both the dock and the dry dock at Sharpness are operated by private sector companies and the Trustees do not own or operate any docks, quays or loading/unloading facilities. Leisure craft and the occasional visit from historic passenger vessels such as the Balmoral and the Waverley make up the rest of the traffic within the Harbour.

## **3 SAFETY**

### **A General**

- 3.2 As required under the Port Marine Safety Code, GHT recognises and accepts that in carrying out its statutory duties and responsibilities, safety must be its paramount consideration. It has formally resolved to meet the commitments laid down in the PMSC:
- to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment
  - to manage the relevant assets of the authority safely and efficiently
  - to discharge the duties and powers described in the PMSC
  - to maintain relevant harbour equipment to agreed industry standards
  - to recruit and train operational staff to nationally agreed competence levels
  - to ensure that staff are properly trained for emergencies and contingencies

It certified compliance with the Code in 2002, continues to review its procedures and policies at regular intervals and regularly confirms continuing compliance to the MCA. GHT's aim is to exercise due diligence in respect of vessels navigating within the Gloucester Harbour as far as is reasonably practical.

3.3 The following are all driven by safety considerations:

- a) the promotion of a pilotage service and the provision and maintenance of navigation aids
- b) the promotion of the Gloucester Harbour Revision Orders
- c) the issue of Pilotage Directions, General Directions, Notices to Mariners and directions issued by the Harbour Master
- d) the promotion of the Gloucester Harbour Byelaws and guidance to the general public on good practice when navigating in small craft
- e) the enactment of national and international legislation relating to Harbours and shipping
- f) emergency plans as listed in paragraph 6.9 of this Plan

These matters are dealt with in greater detail later in this Plan.

## **B Safety Assessment and Management**

3.4 The PMSC applies to harbour authorities' well-developed principles of formal hazard and risk assessment and safety management systems.

3.5 GHT's officers together with the Gloucester Pilots Partnership carried out a formal risk assessment in 2001 in accordance with the requirements of the PMSC to identify marine hazards and risks and the means of eliminating or controlling them. This exercise formed the basis of GHT's formal Safety Management Plan which is reviewed at regular intervals by GHT and its designated person and updated when required to take account of changing circumstances.

3.6 The designated person gives a report direct to the Board of Trustees at regular intervals on his formal safety audit.

### **POLICY SAFETY 1**

**GHT will make safety assessment and management a key task of the Authority in accordance with the guidance given in the PMSC.**

### **POLICY SAFETY 2**

**GHT will provide a form of passage information to be made available to the masters of vessels being piloted to or from Sharpness or other parts of the Gloucester Harbour.**

### **POLICY SAFETY 3**

**GHT will ensure that the safety implications are taken into account in all aspects of its work.**

## **C Health and Safety at Work**

- 3.8 Harbour Authorities (HAs) have a duty under the Health and Safety at Work Act 1974 to ensure the safety at work of its employees and other persons who may be affected by their activities, so far as it is applicable or reasonably practicable,.
- 3.9 GHT is committed to protecting the health and safety of its employees (which includes those for whom it is responsible).
- 3.10 Employees are reminded that each of them must accept their respective degrees of responsibility for health and safety in their own work place.

### **POLICY SAFETY 4**

#### **GHT will in relation to health and safety**

- i) comply with its statutory duties**
- ii) provide its employees with:**
  - a safe and secure place of work**
  - a safe system of work**
  - safe and suitable equipment with which to undertake their work**
  - support and training**
- iii) without prejudice to the generality of ii), require that when GHT's work boat is in use a minimum crew of two persons is provided, the helmsman remains on the boat at all times and it is equipped with proper safety equipment**
- iv) ensure that contractors and suppliers have health and safety policies relevant to the nature of the work being undertaken**
- v) require all accidents to employees arising during the course of their duties to be logged in an accident book**
- vi) investigate all accidents to its employees which arise during the course of their duties and initiate any new procedures necessary to prevent a recurrence**
- vii) arrange for its health and safety policy to be reviewed at regular intervals of not more than one year or earlier following an incident**

## **4 CONSERVANCY**

- 4.1 The conservancy duties of a HA are listed in paragraph 4.3 of the PMSC as follows:

“A harbour authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely. This duty



covers several specific requirements:

- a) to survey as regularly as necessary and find the best navigable channels
- b) to place and maintain navigation marks in the optimum positions, which are suitable for all conditions
- c) to keep a 'vigilant watch' for any changes in the sea or river bed affecting the channel or channels and move or renew navigation marks as appropriate
- d) to keep proper hydrographic and hydrological records
- e) to ensure that hydrographic information is published in a timely manner
- (f) to provide regular returns and other information about the authority's local aids to navigation as the General Lighthouse Authority may require."

4.2 In addition to its conservancy function, GHT:

- a) is a local lighthouse authority pursuant to section 201 of the Merchant Shipping Act 1995 (as amended) and
- b) has powers to remove wrecks under section 252 of the Merchant Shipping Act 1995 and other legislation.

4.3 GHT provides lights, buoys and beacons together with a Pilot Watch Radar System to mark and protect the main navigation channel to Sharpness.

4.4 Magnox Ltd, the Highways Agency and Severn River Crossing plc contribute towards the cost of maintaining certain of the navigational aids.

4.5 GHT makes a conservancy charge on all commercial vessels, whether or not subject to compulsory pilotage, but pleasure craft are currently not charged. The Trustees have the power to waive, compound or vary conservancy charges for regular local users of the Gloucester Harbour.

#### **POLICY CON 1**

**GHT will continue to provide and maintain and, where appropriate, update navigation aids to secure the safety of navigation within the Gloucester Harbour in accordance with its conservancy and local lighthouse duties, the guidance given in the PMSC and the requirements of Trinity House as General Lighthouse Authority.**

#### **POLICY CON 2**

**GHT will fix a conservancy charge having regard to:**

- a) the guidance given in the PMSC and, subject thereto,
- b) the need to provide an economic and efficient service

### **POLICY CON 3**

**GHT will issue Notices to Mariners as necessary giving information and guidance about matters affecting or likely to affect navigation within the Gloucester Harbour**

### **POLICY CON 4**

**GHT will continue to use a suitable contractor to carry out monthly low water surveys of the main navigation channel from the Second Severn Crossing to Wellhouse Bay including the approaches to Sharpness Dock and to the River Wye as far as the A48 road bridge at Chepstow**

### **POLICY CON 5**

**GHT and its Harbour Master will take action to remove any wreck or obstruction which is, or might become, a danger to navigation and will recover costs from the offending party.**

## **5 PILOTAGE**

- 5.1 GHT is the competent harbour authority for the Gloucester Harbour pursuant to the 1987 Act and has powers and duties under that Act. Guidance on the exercise of these powers is contained in the PMSC.
- 5.2 GHT has made a Pilotage Direction pursuant to section 7 of the 1987 Act under which pilotage is compulsory for the following vessels navigating within the Gloucester Harbour:
- i) All vessels whose length overall is 30 metres or above
  - ii) All vessels carrying dangerous or polluting goods as specified in Statutory Instrument 1987 No. 37 'The Dangerous Substances in Harbour Areas Regulations 1987' and Statutory Instrument 1995 No 2498 'The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995'
  - iii) All vessels carrying more than 12 passengers.

Vessels of less than 20 metres in length or fishing vessels of less than 47.5 metres are exempt under the 1987 Act.

- 5.3 GHT currently authorises pilots under section 3 of the 1987 Act. The exact number is determined with regard to the demand for pilotage and the guidance given in the PMSC and is reviewed regularly. GHT has an agreement, reviewed on a five-yearly basis, with the authorised pilots (trading as the Gloucester Pilots Partnership LLP) under which they provide pilotage services within the Gloucester Harbour on behalf of the Trustees.
- 5.4 GHT also issues pilotage exemption certificates under section 8 of the 1987 Act. The criteria, which must be met before a pilotage exemption certificate will be issued, are set out in GHT's Pilotage Directions. The PMSC also gives guidance on the issue of such licences.

- 5.5 GHT fixes pilotage charges for vessels being piloted within the Gloucester Harbour under section 10 of the 1987 Act.
- 5.6 GHT has an arrangement with the Bristol Port Company whereby Gloucester Pilots board and land at Barry Roads using the Bristol Pilot Cutter based at Barry. The cost of the boarding and landing is recouped from the ships using this service.
- 5.7 GHT also has an arrangement with Associated Bristol Ports whereby the Gloucester Pilots have the use of the Pilots Lodge at Barry. The cost of providing this facility is recouped in the pilotage charges

**POLICY PIL 1**

**GHT will provide pilotage services for vessels navigating within the Gloucester Harbour on an as-and-when-needed basis, as far as this is operationally feasible, in accordance with its statutory duties and the guidance given in the PMSC.**

**POLICY PIL 2**

**GHT will have regard to the demand for pilotage and the guidance given in the PMSC when fixing the number of authorised pilots.**

**POLICY PIL 3**

**GHT will be prepared to issue pilotage exemption certificates to masters of vessels who meet the criteria set out in GHT’s Pilotage Directions and the guidance given in the PMSC.**

**POLICY PIL 4**

**GHT will have regard to the following when fixing pilotage charges:**

- a) the guidance given in the PMSC
- b) the need to provide the Gloucester Pilots with a reasonable return for their services
- c) the need to manage its finances prudently
- d) its responsibilities towards its stakeholders.

**POLICY PIL 5**

**GHT will, for the foreseeable future, continue to use:**

- a) the services of the Bristol pilot cutter under its Agreement with the Bristol Port Company
- b) the services of the Pilots Lodge at Barry under its Agreement with ABP
- c) the pilotage services provided by GPP under the Agreement which GHT has with the Partnership which is reviewed on a five-yearly basis.

## **6 MARINE ENVIRONMENT**

### **A Nature Conservation**

6.1 In common with other ports and harbours, GHT has a variety of environmental duties under a number of Acts and regulations. Of particular importance amongst these are:

- The Harbours Act 1964 (Section 48A), as amended by the 1992 Transport and Works Act, which places a general duty on harbour authorities to exercise their functions with regard to the environment including nature conservation, geological, physiographical, access and heritage considerations.
- The Conservation (Natural Habitats &c) Regulations 1994, implementing the EU Habitats (92/43/EC) and Birds (79/409/EC) Directives, which require an 'appropriate assessment' to be carried out where it is likely that a proposed plan or project will have a significant effect on a European site (SPA for birds or SAC for habitats). These have been consolidated and updated by the Conservation of Habitats and Species Regulations 2010.
- The Marine Works (Environmental Impact Assessment) Regulations 2007 and subsequent amendments, implementing the EU Environmental Impact Assessment (EIA) Directive (97/11/EC), which require an EIA to be carried out and an Environmental Statement to be prepared for certain projects which are likely to have a significant environmental impact.
- The Countryside and Rights of Way (CROW) Act 2000, which requires a Section 28g authority to further the conservation and enhancement of a SSSI and to notify Natural England and/or Countryside Council for Wales prior to authorising or carrying out any operation likely to damage the interest of such sites.
- The Marine and Coastal Access Act 2009, which set up the Marine Management Organisation to manage and regulate the marine environment in England a comprehensive and streamlined way, will have implications for marine licensing.

6.2 In addition, the following EU Directives - the Water Framework Directive, the Strategic Environmental Assessment Directive and the Environmental Liability Directive - will have implications for GHT, further requiring the Trustees to ensure that environmental considerations are clearly taken into account in any decisions on whether to undertake or approve proposed projects within the area over which GHT has jurisdiction.

6.3 The national and international importance of the Rivers Severn and Wye has been recognised by their nature conservation designations (see p 22).

6.4 The statutory authorities for nature conservation are Natural England (NE), Natural Resources Wales (NRW) and the Environment Agency (EA). The Wye Valley Area of Outstanding Natural Beauty (AONB) is a partnership of the statutory authorities. GHT has regular contact with these bodies and they are invited to the bi-annual meetings of the Advisory Body. There are also many non-statutory bodies which are interested in the Wye and the Severn.

6.5 Whilst recognising the importance of preserving and enhancing the natural habitat flora and fauna and its environmental responsibilities as a public body, GHT is a navigation authority and must manage and maintain the delicate balance between conservation and the statutory right of navigation within the Gloucester Harbour for vessels of all types.

## **POLICY ME 1**

- a) **GHT will continue to co-operate with statutory authorities and non-statutory bodies in preserving and enhancing the natural habitat, flora and fauna of the Gloucester Harbour provided that its navigational interests are not adversely affected.**
- b) **GHT will not issue a works licence which will, in GHT's opinion, cause irreparable damage to conservation interests.**
- c) **GHT will not issue a licence for any dredging which does not meet Policy Dredge 1.**
- d) **GHT will not support activities unconnected with legitimate acts of navigation which have a long-term detrimental effect on the natural ecological and environmental balance of the Gloucester Harbour, unless overridden by the national interest.**

## **B Prevention of Pollution**

- 6.6 HAs and their Harbour Masters have statutory powers to deal with the prevention of pollution under the Merchant Shipping Act 1995 and guidance on this subject is contained in the PMSC.
- 6.7 HAs also have a duty under the International Convention on Oil Pollution Preparedness and Co-operation 1990 to prepare plans to deal with oil spills
- 6.8 It is an offence under the Gloucester Harbour Byelaws to discharge any matter or cause or permit any polluting matter to be discharged into the waters or on to the bed of the Gloucester Harbour or permit any matter to be placed so that it may fall, be blown, drift or flow into the Gloucester Harbour (Byelaw 20).

## **POLICY ME 2**

**GHT will take action against anyone who persistently and blatantly contravenes Byelaw 20.**

## **POLICY ME 3**

**GHT will continue to maintain and update its Oil Spill Response Plan.**

## **C Emergency Planning**

- 6.9 The following plans are in place for dealing with emergencies:
  - i) GHT's Emergencies Procedures, which are regularly reviewed and reissued as appropriate
  - ii) Second Severn Crossing plc Emergency Plan
  - iii) Oldbury Nuclear Power Station Emergency Plan prepared by Magnox North Ltd
  - iv) Berkeley Licensed Nuclear Site Emergency Handbook prepared by Magnox South Ltd
  - v) The National Contingency Plans prepared by the MPCU
  - vi) GHT's Oil Spill Contingency Plan

- vii) A Counter Pollution Plan for the Bristol Channel (when completed) will complement and augment vi) above.
- viii) Gloucestershire Emergency Plan
- ix) Bristol City Council and South Gloucestershire Offsite Emergency Plans for Control of Major Accidents and Hazards (COMAH) Sites provide for notification of GHT's Harbour Master by the Coastguard if it is considered likely that navigation will be affected.

#### **POLICY ME 4**

**GHT will support the regular review and updating of the above plans by the issuing authorities and any exercises organised to test their implementation.**

#### **POLICY ME 5**

**GHT will support with appropriate proportionate levels of resources the preparation of the Counter Pollution Plan for the Bristol Channel.**

### **D Archaeology**

- 6.11 GHT recognises the need to protect and/or record important archaeological sites or remains which by their nature are often fragile and susceptible to damage through natural and man-made causes.

#### **POLICY ME 6**

**GHT will support the protection and/or recording of important archaeological sites or remains within the Gloucester Harbour by the appropriate organisations.**

## **7 DREDGING**

- 7.1 GHT has statutory powers to licence and undertake dredging for navigational and harbour improvement purposes (subject to relevant environmental assessment).
- 7.2 GHT has powers under the 1994 HRO to licence other dredging as a means of ensuring that its conservancy functions (e.g. safety of navigation etc) are not compromised.
- 7.3 Under the Marine Works Regulations 2007 (as amended) GHT is no longer considered to be a lead authority in determining applications for marine aggregate dredging and must defer to a higher consenting authority before issuing its own licence as a regulator.

## **POLICY DREDGE I – Subject to its current statutory obligations**

- a) **Routine Maintenance Dredging**  
GHT recognises the need for regular maintenance dredging within active docks, berths and power station cooling water installations. GHT will support dredging regimes undertaken where necessary to maintain acceptable depths for the safety of commercial shipping within the Harbour or for the safety of the power station.
- b) **Irregular Maintenance Dredging**  
GHT will, if necessary, exercise its powers to undertake maintenance dredging of the main navigation channel within the Gloucester Harbour to acceptable depths.
- c) **Capital Dredging**  
GHT will support proposals to improve facilities for shipping and increased trade through capital dredging provided that such works can be shown not to have a significant adverse effect on conservation interests (see Policy ME I(b))
- d) **Marine Aggregate Dredging**  
GHT will act as a statutory consultee and consenting body in respect of any dredging activity which may arise which has implications for navigation and associated environmental matters and will defer to more appropriate statutory authorities in relation to the licensing of marine aggregate dredging.

## **8 LICENSING OF WORKS**

### **A General**

- 8.1 A works licence is required from GHT before any construction, alteration, renewal or extension of works takes place within the Gloucester Harbour under Part IV of the HRO 1994. 'Works' is defined to include works of any description.
- 8.2 In addition to a works licence from GHT the consent/approval of other organisations or bodies is required before any works commence. English Nature has issued a Guidance Note on this matter for the River Severn and a similar Guidance Note relating to the River Wye has been produced by the (then) Environment Agency (Wales). Copies can be obtained from GHT.

## **POLICY WORKS I**

**GHT will be prepared to consider issuing a works licence for works which are considered appropriate to a harbour location provided:**

- a) the works comply with current legislation
- b) the works have the consent/approval of the other organisations and bodies which have to be consulted,
- c) the works do not adversely affect the main navigation channel or the existing tidal and sedimentary regime of the Rivers and Estuary, and
- d) the Marine Environment Policies (section 6) are not compromised.

## **B Moorings, Buoys and Associated Ground Tackle**

- 8.3 The laying down of a mooring, buoy or associated ground tackle are works for which a works licence is required from GHT pursuant to Part IV of the HRO 1994.
- 8.4 In addition, the Gloucester Harbour Byelaws (No 18) prohibits the laying down of any mooring, buoy or similar tackle without the consent of the Harbour Master who may impose conditions. The Harbour Master may also direct the removal of any mooring etc.

### **POLICY WORKS 2**

**GHT will take action under Byelaw 18 and/or the HRO 1994 in relation to any mooring, buoy or similar tackle laid down without the consent of the Harbour Master and/or a Works Licence and will remove the offending mooring, buoy or tackle where it is or could become a danger to navigation. The cost of such removal or recovery will be legally obtained from the offending party.**

## **C Tidal Defences**

- 8.5 Tidal defences are the responsibility of the Environment Agency which has schemes programmed for several sections of the River Severn.

### **POLICY WORKS 3**

**Subject to its statutory obligations GHT will support tidal defence schemes which are technically, environmentally, ecologically and economically feasible and sound, provided that its navigational interests are not adversely affected.**

## **9 RECREATION AND LEISURE**

### **A General**

- 9.1 The Severn Estuary is an inherently dangerous place because of its extreme tidal regime and great care is required when navigating within the Gloucester Harbour and vessels should be properly equipped and take all appropriate safety precautions (see Policy Rec 7). GHT has published a Guide to Safe Navigation for Small Craft which gives information and advice to users of small craft and the river bank in the Severn Estuary and Lower Wye. Guidance to the Severn Bore for surfers, canoeists, power boat operators and spectators on the river bank is also available.
- 9.2 The Harbour Master (01453 811913) or the Duty Pilot (07774 226143) can give advice to anyone who is new to navigating within the Gloucester Harbour, although GHT cannot accept responsibility for any advice given and subsequent action taken by the vessel.

### **B Speed of Vessels**

- 9.3 The Gloucester Harbour Byelaws (No 12) prohibit vessels travelling at more than 12 knots through the water (6.6 metres per second) subject to the following exceptions:-  
Any vessel navigating:



- a) within the main navigation channel (as defined in the Byelaws) during the period of 3 hours either side of high water at Beachley;
- b) exclusively by sail;
- c) in the harbour while providing safety cover, responding to an emergency, engaged in rescue operations or engaged in training in connection with any of the above operations; or
- d) in areas designated for water skiing;
- e) as part of a rally, race, regatta or similar event, or military, naval or civil exercise being held with the specific permission of the Trustees.

### **POLICY REC 1**

**GHT will take action to enforce Byelaw 12 in relation to any person whose vessel is not exempt under para 9.3 above and who flagrantly and persistently ignores the speed limit within the Gloucester Harbour.**

### **C Water Skiing etc**

9.4 Water skiing, aquaplaning, water biking and similar activities are permitted under the Gloucester Harbour Byelaws in the following areas:-

- a) On the River Severn between Sharpness Point and the seaward boundary of the harbour as defined in the HRO 2002, and
- b) On the River Wye between Chepstow Railway Bridge and Beachley Point.

9.5 In addition, water skiing (but not the other activities listed above) is permitted in the following areas:-

- a) On the River Severn – between Stonebench and Longney Crib
- b) On the River Wye – between Livox Quarry and a point north west of Chepstow Castle.

9.6 GHT in consultation with the British Water Ski Federation, the local water skiing clubs and the statutory environmental agencies has prepared a Code of Practice which all water skiers should follow. Copies of the Code of Practice can be obtained from GHT's offices.

### **POLICY REC 2**

**GHT will support water skiing within the areas designated for this purpose subject to compliance with the Code of Practice.**

### **POLICY REC 3**

**GHT will take action to enforce Byelaw 25 in relation to any person who flagrantly and persistently water-skies, aquaplanes or water-bikes in any area not designated for that purpose.**

## **D The Severn Bore**

- 9.7 The Severn Bore occurs regularly within the upper reaches of the Gloucester Harbour throughout the year and significant bores attract considerable interest from spectators on the bank and from surfers and small craft which attempt to ride the wave.
- 9.8 The rush of incoming water can cause swamping or capsize and river users should be properly equipped and navigate in a responsible manner with due attention to the safety of others. Advice on appropriate behaviour is contained in GHT's Guide to Marine Safety in the Lower Severn and River Wye.
- 9.9 Power boats should stay at least 200m behind the Bore waves and not exceed the 12 knot speed limit. They should also ensure the safety of people in the water and not cause the break-up of waves near popular viewing spots.

### **POLICY REC 4**

**GHT will promulgate its Guide to Marine Safety and Code of Practice for Surfers and take every opportunity to liaise with river users to promote safe behaviour on the Bore for the enjoyment of all.**

## **E Fishing**

- 9.10 Fishing and fisheries come under the jurisdiction of the Environment Agency. Fishing has traditionally taken place within the Gloucester Harbour from time immemorial. Within the Gloucester Harbour there are still a number of fixed engines, some of which are still used by commercial fishermen and some of which are derelict.
- 9.11 In Spring elver fishing takes place using small nets on a rectangular frame fixed to a pole. Elvers were once a relatively cheap source of food but now attract high prices from abroad for stocking rivers and as a delicacy. Elver fishing is monitored by the Environment Agency.

### **POLICY REC 5**

**GHT will encourage the owners of fixed engines to have them properly marked to avoid them being a danger to navigation.**

### **POLICY REC 6**

**GHT will encourage fishermen to wear highly visible clothing and to mark the areas in which they are fishing with buoys and/or flags, securely secured during the fishing period and afterwards removed.**

### **POLICY REC 7**

**GHT will co-operate with the Environment Agency in relation to their fisheries duties.**

## **F Leisure Boating**

- 9.11 The Severn Estuary is no place for the novice or inexperienced sailor or vessels which are not seaworthy. However, there are several sailing and motor boat clubs which regularly use the Gloucester Harbour for sport, recreation and leisure and whose members are well aware of the hazards of navigating in the Severn Estuary.
- 9.12 A comprehensive booklet giving information and advice for small craft and river bank users on the Severn Estuary and lower River Wye has been prepared and is available from GHT's office or on its website.
- 9.13 Canoeists use the River Wye and should either be experienced or have an experienced canoeist in charge. Properly organised canoe races are held on the River Wye.
- 9.14 The Severn Area Rescue Association (SARA) provides a rescue service in the Gloucester Harbour using rigid inflatable boats. This service is regularly called out emphasising the need to treat the Severn with respect.

### **POLICY REC 8**

**GHT will support the use of the Gloucester Harbour for sport, recreation and leisure provided vessels:-**

- a) are suitable for the voyage to be undertaken**
- b) carry proper safety equipment including, as appropriate, life saving jackets, lifebuoys and line, distress flares, a Marine Band VHF radio or mobile phone, up-to-date charts and tide tables, pumping or bailing equipment, an anchor with chain or warp and navigation lights**
- c) are in the charge of a competent person with sufficient knowledge to ensure a safe passage within the Gloucester Harbour**
- d) comply with the Gloucester Harbour Byelaws and the General Directions issued by GHT**
- e) keep clear of commercial traffic in passage to or from Sharpness or other ports within the Gloucester Harbour**
- f) have regard for other users of the Gloucester Harbour**
- g) have regard for the wildlife and natural habitats of the Gloucester Harbour.**

### **POLICY REC 9**

**GHT will support SARA in its work.**

## **10 OTHER ISSUES**

### **A Byelaws**

- 10.1 GHT made Byelaws for the Gloucester Harbour on 17 July 1997, under section 83 of the Harbour, and Piers Clauses Act 1847 and article 16 of the HRO 1994. The Byelaws were confirmed by the Secretary of State for the Environment, Transport and Regions on 16 October 1998 with modifications. An amendment to the Byelaws to take account of the extension of GHT's area of jurisdiction in the HRO 2002 was confirmed by the Secretary of State on 10 May 2006.

#### **POLICY MISC 1**

**GHT will take action against anyone who persistently and blatantly contravenes the Byelaws.**

#### **B General Directions**

- 10.2 GHT issued General directions relating to Gloucester Harbour pursuant to articles 10 and 11 of the HRO 1994 which came into force on 1 April 1999. These are updated from time to time as appropriate.

#### **POLICY MISC 2**

**GHT will take action against any person who persistently and blatantly contravenes the General Directions.**

#### **C Access**

- 10.3 Access to Gloucester Harbour, other than via Sharpness Dock, is primarily by private launching sites at boatyards and clubs. Many people informally use the slipway at Beachley (originally provided for the Aust/Beachley ferry) which is now owned by the Forest of Dean District Council.
- 10.4 GHT recognises the public right of navigation, but would view unlimited public access to the Harbour with reservations on safety grounds.

#### **POLICY MISC 3**

**GHT will require any person wishing to provide a new access within or to the Gloucester Harbour to obtain a works licence and abide by any reasonable conditions imposed.**

#### **D Consultation**

- 10.5 GHT's Advisory Body normally meets twice a year to provide a two-way flow of information between those who use or have an interest in the Gloucester Harbour (its stakeholders) and the Trustees. An agenda is circulated prior to the meeting and notes of the proceedings are circulated to members of the Advisory Body and the Trustees and placed on GHT's website.

#### **POLICY MISC 4**

**GHT will continue to facilitate the meetings of the Advisory Body and provide the necessary administrative support to achieve this.**

10.6 GHT also holds an informal annual gathering of its commercial and leisure stakeholders to enable them to meet the Trustees and discuss issues with representatives from many organisations in GHT's area.

#### **POLICY MISC 5**

**GHT will continue to promote events to enable its stakeholders to meet the Trustees and discuss matters of mutual interest and concern.**

### **11 STAFF**

11.1 The PMSC provides that executive and operational responsibilities for marine safety must be clearly assigned and those to whom they are entrusted must be held accountable for their performance.

11.2 The PMSC also requires CHAs to have a 'designated person' with independent oversight of its marine safety management systems, who has direct access to the Board.

11.3 The HRO 1994 empowers GHT to appoint a Clerk and such other officers and servants as it determines on such terms and conditions as it sees fit.

#### **POLICY STAFF I**

a) **GHT will appoint competent staff and ensure that they have training appropriate to the responsibilities assigned to them in relation to the safety of marine operations in accordance with the guidance contained in the PMSC.**

b) **GHT will designate a person to have independent oversight of its marine safety management systems with direct access to meetings of GHT.**

### **12 REVIEW**

#### **POLICY REVIEW I**

**GHT will review its documents, duties and powers regularly and update them as necessary to ensure that they remain fit for purpose.**

## APPENDIX I

### NATURE CONSERVATION DESIGNATIONS IN THE GLOUCESTER HARBOUR

The EC Habitats and Species Directive was enacted in 1992 to promote the conservation of Europe's wildlife and help member states deliver their commitments under the international Biodiversity Convention signed in Rio de Janeiro in 1992. The Directive requires the designation of Special Areas of Conservation (SACs) and sets out a regime for their protection and management. SACs, together with Special Protection Areas (SPAs) designated under the 1979 EC Birds Directive, form a network of key wildlife sites across the EU called Natura 2000. All public bodies and statutory undertakers, of which GHT is one, are 'competent authorities' and subject to the requirements of the Directive, and corresponding regulations, with a duty of assessing plans or projects likely to affect SACs or SPAs. The Natura 2000 network of protected aims to maintain or restore the extent and quality of rare habitat types and to ensure that rare species can survive and maintain their populations and natural range on a long-term basis. The Habitats Directive requires all Natura 2000 areas to be protected from deterioration or damage

#### I THE SEVERN ESTUARY

The Gloucester Harbour includes a number of areas which have been designated under national, European and international environmental legislation. In the Severn Estuary these are the Severn Estuary SSSI, the Upper Severn Estuary SSSI, the Severn Estuary Ramsar Site and SPA and the Severn Estuary SAC. The details of the natural and international importance of the Estuary are given below.

##### Severn Estuary SSSIs

The Severn Estuary was notified in 1989 under the Wildlife and Countryside Act 1981. The immense tidal range and classic funnel shape make the Severn Estuary unique in Britain and rare world wide. The intertidal zone of mudflats, sand banks, rocky platforms and saltmarsh and grazing marsh is one of the largest and most important in Britain. The estuarine fauna includes internationally important species of wildfowl, invertebrate populations of considerable interest, and large populations of migratory fish including the internationally rare and endangered Allis Shad (*Alosa alosa*).

##### Severn Estuary Ramsar Site - World-wide Designation of Wetlands

These sites are protected under the Convention on Wetlands of International Importance, first drafted at Ramsar (Iran) in 1971, and ratified by the UK Government in 1976. The Ramsar Convention aims to conserve wetlands and promote their sustainable use. Wetland sites are important habitats for many types of bird, particularly waterfowl, but may also be of value for their plant communities, invertebrates and other animal populations. Wetland sites are under threat from agricultural drainage, pressure for industrial and commercial development, and demands for water sports and other recreation. All Ramsar sites are also SSSIs.

The Severn Estuary meets the following criteria for a Wetland of International Importance especially as a Waterfowl Habitat:

- Immense tidal range which affects both the physical environment and the biological communities
- Unusual estuarine communities, reduced diversity and high productivity
- Run of migratory fish between sea and river via the estuary - species include salmon (*Salmo salar*), sea trout (*S. trutta*), sea lamprey (*Petromyzon marinus*), river lamprey (*Lampetra fluviatilis*), Allis shad (*Alosa alosa*), twaite shad (*A. fallax*), eel (*Anguilla Anguilla*).
- Migratory birds during spring and autumn, including nationally important numbers of ringed plover (*Charadrius hiaticula*) dunlin (*Calidris alpina*) whimbrel (*Numenius phaeopus*) and redshank (*Tringa totanus*).

- Area of international significance for its wintering wildfowl populations (greater than 20,000) including Bewick's Swan, European White-fronted Goose, wigeon, gadwall, shoveller and pochard.
- Internationally important populations of dunlin, Bewick's swan (Cygnus columbianus), Gadwall (Anas strepera), redshank (Tringa totanus), shelduck (Tadorna tadorna), white fronted goose (Anser albifrons albifrons).

### **Severn Estuary SPA**

The Severn Estuary qualifies as an SPA under EC Directive 79/409 on the Conservation of Wild Birds:

- The Estuary regularly supports internationally important wintering populations of Bewick's Swan (Cygnus columbianus)
- The Estuary is a wetland of international importance regularly supporting over 20,000 waterfowl in winter.
- The Estuary regularly supports in winter internationally important numbers of 5 species of migratory waterfowl: Gadwall (Anas strepera), European white fronted goose (Anser albifrons albifrons), Dunlin (Calidris alpina alpina), Shelduck (Tadorna tadorna) and redshank (Tringa totanus)

### **Severn Estuary SAC**

The Severn Estuary has been designated as an SAC for the following habitats:

- subtidal sandbanks, Atlantic salt meadows, estuaries, Intertidal mudflats and sandflats.

## **2 THE RIVER WYE**

The River Wye is considered to be one of the best and longest examples of a near natural river system in England and Wales. The range of plant and animal communities reflect a transition from nutrient poor, in the head waters, to naturally nutrient rich water chemistry in the lower reaches. The special interest includes otter, migratory fish, particularly the Allis and Twaite shad and salmon, and rare aquatic plant and invertebrate assemblages. The River is therefore designated as an SSSI and a Special Area of Conservation under the European Union's Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC). It also forms part of the Wye Valley AONB.

Part of the Wye falls within the Gloucester Harbour area and these environmental designations must be taken into account in GHT's activities. A list of Operations Likely to Damage Special Interest (OLDSI) has been prepared by the Countryside Council for Wales (CCW) who should be consulted by owners and occupiers before any of the works listed on the OLDSI are carried out. This consultation is aimed at safeguarding the special interests of the River. The River Wye's status as an SAC requires any plans or projects to be assessed more vigorously to ensure that the SAC features are appropriately conserved.

### **Area of Outstanding Natural Beauty (AONB) – National Designation**

AONBs are created by the Countryside Commission/Agency, now part of Natural England, under the National Parks and Access to the Countryside Act 1949. Their purpose is to conserve and enhance the natural beauty of the area. An AONB is not a statutory authority in its own right but is a partnership of statutory authorities.

## **3 STATUTORILY PROTECTED SPECIES**

A number of species found within the Severn Estuary and River Wye are protected by national legislation and/or international obligations.