

From: Thomas O'Kane <thomasokane@axis.co.uk>
Sent: 02 October 2025 09:46
To: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>
Cc: Davidson, Joanne (East Area Development Manager) <Joanne.Davidson@newport.gov.uk>; James Walkington <jameswalkington@axis.co.uk>
Subject: RE: 25/0652 - Port Harcon / Bird Port - Newport

Dear Geraint,

Thank you for your patience on this. The Applicant has provided their response to your 24th September email below:

"It is not just the collection of port fees that has been delegated to the port operators. The port operator performs a wide range of operational and managerial functions essential to the running of the port, including:

- *Regulating and managing the movement of vessels within the dock.*
- *Berthing all ships loading or unloading at Port Harcon with the operator's own crew.*
- *Designating specific areas for loading and unloading and issuing directions on berthing, cargo handling and the disposal of goods and cargo.*
- *Making and enforcing relevant byelaws regarding dock operations, fees, safety and navigation.*
- *Ensuring compliance with statutory obligations, including those related to safety, the environment and conservancy.*
- *Overseeing the safe and efficient development, operation and maintenance of its port infrastructure required for ongoing operations.*

By exercising these powers, the operator assumes the role and responsibilities typically associated with a statutory undertaker. This operational control and oversight support the proposition that the operator requires, and should benefit from, permitted development rights, allowing the facility to adapt and undertake essential development in support of its statutory functions and public responsibilities.

We extend an invitation for you to visit site; to see exactly the full involvement of our team at Port Harcon and how very little the Commissioners do within the Port on a day-to-day basis. Everything at the port is done by the crew employed by Port Harcon."

The above text should be read against paragraph 1.4.2 and 1.4.3 of the Planning Statement, with the latter setting out what the Commissioners day-to-day responsibilities are. Therefore, the bullet points above demonstrate that the Applicant (Port Harcon) has a significant amount of authority delegated to them by the Commissioners, to operate within the statutory-defined Newport Harbour limits.

Should you have any further queries, please do not hesitate to get in contact.

Many thanks,

Regards
Thomas O'Kane
Associate



E: thomasokane@axis.co.uk

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T: [0344 8700 007](tel:03448700007)

M: [07957 784446](tel:07957784446)



From: Thomas O'Kane

Sent: 24 September 2025 17:15

To: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>

Cc: Davidson, Joanne (East Area Development Manager)

<Joanne.Davidson@newport.gov.uk>; James Walkington <jameswalkington@axis.co.uk>

Subject: [Filed on 2025-09-24] RE: 25/0652 - Port Harcon / Bird Port - Newport

Hi Geraint,

Thank you for your email.

I have picked this up with the Applicant and will revert as soon as possible.

Regards

Thomas O'Kane
Associate



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M: [07957 784446](tel:07957784446)



From: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>

Sent: 24 September 2025 11:00

To: Thomas O'Kane <thomasokane@axis.co.uk>

Cc: Davidson, Joanne (East Area Development Manager)

<Joanne.Davidson@newport.gov.uk>

Subject: RE: 25/0652 - Port Harcon / Bird Port - Newport

Dear Thomas

Thank you for providing the additional information.

However we wanted to understand the lessee point in more detail since although it is clear that the Harbour Commissioners have delegated authority to the port operators for the collection of port fees it wasn't clear to us that the operator had received delegated authority to undertake building operations on behalf of the Commissioners who are the statutory undertakers.

i.e. we wanted to understand exactly what authority the Commissioners have delegated to the port operator so as to understand if the port operators could legitimately call upon the statutory undertakers permitted development rights.

Which is to say if the only delegated function is to collect harbour fees then we would not see that the permitted development rights engaging here for operational development by the port operator as opposed to by the Commissioners themselves.

Could you clarify on this point please?

Geraint N. Roberts

Prif Swyddog Cynllunio / Principal Planning Officer
Tîm yr Dwyrain / East Team
Adfywio a Datblygu Economaidd / Regeneration and Economic Development
Cyngor Dinas Casnewydd / Newport City Council
01633 831692

(If I am unable to take a phone call from you please contact me by return of email. I will aim to respond to all email enquiries by email unless alternative arrangements such as a call via Microsoft Teams is mutually agreed).

From: Thomas O'Kane <thomasokane@axis.co.uk>
Sent: 23 September 2025 17:17
To: Roberts, Geraint (Principal Planning Officer) <GeraintN.Roberts@newport.gov.uk>
Cc: James Walkington <jameswalkington@axis.co.uk>
Subject: 25/0652 - Port Harcon / Bird Port - Newport

Dear Geraint,

On behalf of the Applicant, please find enclosed a [link](#) that contains our response to your email dated 10th September 2025 relating to the above application, which comprises:

- Axis letter dated 23rd September 2025 (ref: 5258-01/TOK/JW)
- WA68159 – Title Plan
- Land Registry TP1 Form
- Licence Agreement with Network Rail
- Simec Deed of Surrender

Due to the commercially sensitive nature of these documents, the Applicant requests that the enclosed Land Registry P1 Form, Licence Agreement with Network Rail and the Simec Deed of Surrender are kept confidential and are not uploaded to the NCC website.

I have enclosed a copy of our letter in case there any issues with the above link. I would be grateful if you can confirm receipt of the letter and enclosures at the nearest opportunity.

Should you require any further information or require clarification on the above, please do not hesitate to contact me.

Regards
Thomas O'Kane
Associate



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