

# Report

## Deputy Leader/Cabinet Member for City Services

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### Part 1

Date: 13 January 2020

**Subject** Local Coastal Pollution Tier 1 Incident Plan

**Purpose** To seek formal approval of the draft plan to assist Newport City Council in meeting its legal obligation to put in place emergency plans that mitigate against specific risks within the Civil Contingencies Act 2004.

**Author** Civil Contingencies Manager

**Ward** Marshfield, Lliswerry, Llanwern, Pillgwenlly

**Summary** The Local Coastal Pollution incident plan has been created to ensure Newport City Council has measures in place to act in a co-ordinated and effective manner in the event of a pollution event occurring within the Severn Estuary affecting the Newport coastline.

**Proposal** The plan is agreed by Cabinet Member and formally adopted for the Council.

**Action by** Civil Contingencies Manager

**Timetable** The approval of the plan is suggested to be completed as soon as possible. Once this has been agreed, the plan will be circulated to all responding agencies that are included within the plan and who have been consulted during its development.

This report has been prepared following consultation with:

- Chief Executive
- Strategic Director, Place
- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change
- Head of City Services
- Ward Members – Marshfield, Lliswerry, Llanwern, Pillgwenlly

**Signed**

## Introduction

A Tier 1 pollution incident is minor pollution event that can be wholly dealt with by the relevant local authority with initial assistance from the emergency services if the public are affected. The proposed incident plan has been developed with partner agencies and is attached as an Appendix to this report.

## Background

Although not a high risk, the potential for shoreline pollution events within the Severn Estuary is a scenario that requires specific planning in order to ensure appropriate and co-ordinated responses from NCC and partner agencies. Accordingly, Civil Contingencies have prepared a Tier 1 pollution response plan that ensures our effective and timely response to such an incident.

The responsibility for more serious and complex shoreline pollution incidents falls to wider area multi-agency contingency plans with the Gwent Major Incident Response Arrangements (GMIRA) and the Maritime Coastguard Agency (MCA) National Contingency Plan covering Tier 2 and Tier 3 incidents. Whilst the generic management structures for the management of these levels of incident are long established the specific arrangements remain under development.

## Key Points

The key drivers and aims of this plan are:

- Setting out the internal response for NCC as well as covering the multi-agency response arrangements to a Tier 1 pollution event;
- Co-ordinating a response to shoreline pollution caused by a variety of substances such as oil or any other inert, hazardous and/or noxious substances.

As this is a new document, we collected the views from a number of partner organisations to ensure its accuracy. Consultation has taken place with all organisations that are included within the plan and their comments have been reflected. The following Newport City Council service areas have also had sight of the plan:

- City Services (Waste & Cleansing, Highways/Operations, Ecology)
- Law and Regulation (Environmental Health, Insurance, Communications)
- People and Business Change (Health and Safety)

## Financial Summary

There have been no costs associated with the development of this plan as this has been carried out within normal office working hours.

	<b>Year 1 (Current) £</b>	<b>Year 2 £</b>	<b>Year 3 £</b>	<b>Ongoing £</b>	<b>Notes including budgets heads affected</b>
<b>Costs (Income)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Estimated costs = £0</b>
<b>Net Costs (Savings)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Net Impact on Budget</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

The introduction of the plan will not result in any additional cost, and should ensure that any incident is managed correctly. Should an incident occur, Newport City Council may experience direct costs as a result of removal of the pollutant substance and clean-up of the affected area of coastline. Should this work be permitted by the Environment Group then these costs will most relate to City Services work.

Owners of the vessels causing the pollution are responsible for the incident, regardless of fault. Therefore, any costs associated with the response and recovery from a NCC perspective can be reimbursed through the "Polluter pays" principle.

The MCA may coordinate claims from the incident but this will be discussed and confirmed during the recovery phase of the incident.

### **Risks**

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Plan rejected by Cabinet Member	Medium – delay in the formal approval of the plan that will delay other work streams.	Low	The newly developed plan is proposed to clarify any questions and help ensure approval.	Civil Contingencies Manager

### **Links to Council Policies and Priorities**

The development of this plan supports the council in contributing to the:

- Well-being goals and sustainable development principles within the Well-being of Future Generations (Wales) Act 2015
- Integrated interventions within the Newport Well-being Plan 2018-2023
- Corporate Plan – commitment to Resilient Communities in Newport
- National Well-being goal for Wales – a resilient Wales and a globally responsible Wales.

### **Options Available and considered**

- a) The Cabinet Member approves the plan for formal circulation to partner agencies
- b) The Cabinet Member determines not to approve the plan

### **Preferred Option and Why**

The Cabinet Member approves the plan for formal circulation to partner agencies. Failure to approve the plan will delay the process of putting co-ordinated and effective response arrangements in place in regards to a local Tier 1 coastal pollution event. It will also delay the council in putting in response arrangements to an identified risk.

### **Comments of Chief Financial Officer**

There are no direct additional costs of implementing the plan.

### **Comments of Monitoring Officer**

There are no specific legal issues arising from the Report. The Tier 1 Local Coastal Pollution Plan complies with the Council's statutory duty under the Civil Contingencies Act (2004) to assess risks and put resulting emergency plans in place. This plan does not contain any information that needs to be restricted.

### **Comments of Head of People and Business Change**

This proposal has been undertaken to summarise the formal approval and adoption of the Local Coastal Pollution Tier 1 Incident Plan. Due to the identified risk of such an incident occurring along the Newport coastline, a plan has been put in place which would enable a coordinated and effective response from Newport City Council and partner organisations.

This proposal has fully considered the Well-being of Future Generations (Wales) Act 2015 including the well-being goals and sustainable development principle (long-term, prevention, integration, collaboration, involvement) within the Act.

## Local issues

If a Tier 1 pollution event occurred along the Newport coastline, the extent of this pollution would be within the inter-tidal areas that are not easily accessible by the public. Therefore, if members of the public identify pollutant substances before the emergency services, adverse health effects are not anticipated due to such access restrictions. Otherwise, the emergency services, Newport City Council and Natural Resources Wales will advise the public to stay away from the affected coastal areas.

## Scrutiny Committees

This plan has not been through any Scrutiny Committees.

## Equalities Impact Assessment

A Fairness Equality Impact Assessment (FEIA) is not considered appropriate for this plan due to the following reasons:

- The development of the plan is not related to a change in public service;
- The development of the plan is not related to a funding cut or an adjustment to funding;
- The plan provides a flexible framework and establishes roles and responsibilities of all external partner organisations involved in the response to an incident.

## Children and Families (Wales) Measure

No consultation has taken place specifically with children and young people.

## Wellbeing of Future Generations (Wales) Act 2015

This plan meets the sustainable development principle in the following ways:

- **Long term:** The purpose of the plan is to ensure that there will be a coordinated response between Newport City Council and partners included within the plan should a Tier 1 pollution incident occur on the Newport coastline. The plan will be reviewed every three years or unless any significant changes are required before the scheduled review date. The continuous review of this plan on a three-yearly basis will help meet the long term goal as it will contain consistent information for those organisations involved in its review. The plan will also satisfy short-term needs as it will ensure up-to-date arrangements are in place.
- **Prevention:** The plan ensures that there are measures in place to mitigate the effects of any Tier 1 pollution incidents should they arise and affect the Newport coastline. There is also legislation that helps prevent sea pollution in the first instance (i.e. Pollution Prevention and Control Act 1999).
- **Integration:** The plan supports the Resilient Wales goal as the plan ensures that a Tier 1 local coastal pollution incident affecting the Newport coastline would be responded to in a coordinated and effective manner, ensuring that the effects towards the public and environment are mitigated. The plan also supports the Globally Responsible Wales goal by putting in place the necessary steps that need to be taken to ensure the environmental well-being of Newport's coastline. Finally, the plan meets the Cohesive Communities goal as it contributes to ensuring the safety of local communities should a pollution incident occur. It also does not adversely affect the other well-being goals not mentioned above.
- **Collaboration:** The plan has been developed in consultation with other Newport City Council service areas as well as partner organisations within the Gwent Local Resilience Forum (GLRF). This group ensures that professional working practices such as the Joint Emergency Services Interoperability Principles (JESIP) are followed to encourage joint understanding and that information sharing takes place between responding agencies.
- **Involvement:** Local members will be invited to consult with Newport City Council regarding the content of this plan. Local members represent the views of the communities within their respective ward areas and can therefore present any concerns that the community may have with any arrangements. Additionally, partner organisations have been consulted and are listed in the consultation section below.

## **Crime and Disorder Act 1998**

The coastline of Newport has been classified as a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar site (labelling the area as a Wetland of International Importance). This has resulted in the Newport coastline, including the wetland area being recognised as an area of international importance. Parts of the Severn Estuary have also been designated a Site of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981, in which the Newport coastline is included. These classifications mean that it is an offence to intentionally or recklessly damage, disturb or destroy these areas and the wildlife contained within them. As a result, these classifications help prevent crime and disorder along the Newport coastline.

## **Consultation**

Organisations and that would be involved in a response have been consulted during the development of this plan to ensure they are happy with the arrangements that have been made and that it accurately reflects the current position between all responding agencies. Throughout this process, the points raised by all parties have been addressed prior to the submission of this document for approval. The details of the consultees are incorporated within the document and include the Emergency Services, Associated British Ports (ABP), Maritime Coastguard Agency (MCA), Monmouthshire County Council, Natural Resources Wales, Newport Harbour Commissioners, Public Health Wales and specific service areas of Newport City Council (City Services, People & Business Change and Law & Regulation) and ward members of relevant wards.

## **Background Papers**

Newport City Council Tier 1 Coastal Pollution Plan  
ABP South Wales Oil Spill Contingency Plan 2018  
MCA National Contingency Plan

Dated: December 2019