

# Department for **Transport**

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Dear Mr Irving

## **Hayle Harbour Authority application under section 16 of Hayle Harbour Act 1989**

An application was submitted under section 16 of the Hayle Harbour Act 1989 to the Secretary of State for Transport by Winckworth Sherwood, on behalf of their clients Hayle Harbour Authority Limited (ING), to exclude from the harbour land that land identified in the plan submitted with the application which ING considers no longer appropriate to be harbour land. A copy of the application is at Annex A.

Section 16 prescribes the following:

16.—(1) The Company may, with the consent of the Secretary of State, by resolution exclude from the harbour land any land which they consider no longer to be appropriate to be harbour land.

(2) As soon as may be after the passing of the resolution referred to in subsection (1) above, the Company shall give notice thereof by advertisement in a newspaper circulating in the district of Penwith.

(3) A copy of the harbour land plan and a copy of any resolution of the Company passed under subsection (1) above shall at all reasonable hours be open to public inspection without payment at the offices of the Company.

### **Consent**

The Secretary of State has considered the application and under section 16 of the Hayle Harbour Act 1989 consents for ING to exclude by resolution the land identified in the revised Plan, a copy of which is at Annex B, from the harbour land.

### **Hayle Harbour Authority case for exclusion of land as harbour land.**

Hayle Harbour has been in decline over the last 35 years and is subject to redevelopment and investment programme and is no longer used for commercial shipping. Currently, Hayle Harbour has a limited use for a number of fishing vessels and leisure use.

Planning permission has been granted for a regeneration project which will include the creation of a new marina and commercial harbour, residential homes, retail stores and shops including a hotel, restaurant units, offices and a publically funded Marine Renewables Business Park.

The main principle underpinning the proposals for the harbour is to maintain the pedestrian and vehicular access to the quaysides, ensuring safe navigation, enhancement of flood protection and provision of enhanced port services; including additional moorings. Hayle Harbour Authority has made a case that these measures are essential to ensure the harbour is able to sustain itself as an on-going operation.

The application under Section 16 of the Hayle Harbour Act 1989 seeks only the de-designation of the lands that no longer serve a harbour purpose i.e. considered to be no longer operational for activities associated with the harbour.

### **Public consultation and advertisement of notice**

Under section 16 of the Hayle Harbour Act 1989, there is no statutory requirement to consult on proposals. However as a matter of good administration the Department recommended that Hayle Harbour Authority publicise the application to the Secretary of State. On 2 August 2012, a public notice was placed in a local newspaper (The Cornishman) informing members of the public of their intention to apply to the Secretary of State for consent. A copy of the public notice was also published on the Harbour's website. The notice invited representations and objections to be made in writing to the Department for Transport by 23 August 2012. It also invited members of the public to view the signed Hayle Harbour Advisory Committee Resolution, the proposed harbour land plan and application at the Hayle Harbour office during the above period.

The Hayle Harbour Authority also held a number of consultation events and workshops with various stakeholders over the future of the Harbour and the regeneration plans which underpin the application to the Secretary of State under section 16 of the Hayle Harbour Act 1989.

Hayle Harbour Authority confirmed that the following groups were briefed on the application under section 16 on 9 and 10 August 2012:

- 1) The Hayle Harbour Liaison Group – which included individuals who have an interest in the operation of the harbour and representatives from local stakeholder groups. In particular, the Hayle Harbour Trust, Save our Sands, The Hayle Residents Association, Hayle Archive, Hayle Chamber of Commerce, Hayle Area Forum, the Hayle Harbour Supporters group and Cornwall Council;
- 2) A selected quorum of Hayle Town Councillors;
- 3) The two Cornwall County Councillor members for Hayle; and,
- 4) The Member of Parliament for Hayle, Camborne and Redruth, Mr George Eustace.

As a result of the additional consultation exercises, Hayle Harbour Authority confirmed four people viewed the application documents at the Harbour Office and Hayle Harbour Authority received one request for further information

The Harbour Authority did not receive any formal representations or objections in writing during the advertising period.

The Department received three written representations after the consultation period had concluded. The representations received related to land at Lelant Quay only and not to the other land included in the application. Of the three representations received one was from St Ives Town Council and two were submitted by members of the public with an interest in Lelant Quay. In general terms the representations received expressed the view that there had not been adequate consultation with respect to including land at Lelant Quay in the section 16 application to exclude it from harbour land.

On 17 September, the Department received notification from ING that it wished to withdraw so much of its request for consent under section 16 of the Hayle Harbour Act 1989 as relates to harbour land at Lelant Quay. Attached at Annex B is a copy of the letter of 17 September and a revised plan of harbour land to be excluded. This plan does not identify any land at Lelant Quay as land to be excluded. ING has also informed the Department that they will carry out further consultation about the release of Lelant Quay if they bring forward development proposals for that area, and a new application under section 16 will be submitted.

The Department informed the persons making these representations of this, inviting them to indicate whether they considered whether this action did not address their concerns. No such indication has been received and accordingly the Secretary of State is content that Hayle Harbour Authority has adequately addressed the concerns raised, by making a modification to their original application and undertaking to take full consultation should they wish to have this land excluded.

In addition, the Department received two requests, one from West Cornwall Golf Club and one from the Lelant Planning Group, for further information on the application. Both were passed onto the Harbour Authority and no formal written representations were subsequently received.

### **The Decision of the Secretary of State**

The Secretary of State is satisfied that the exclusion of identified harbour land will not amount to closure of the harbour and will not be detrimental to the future operation of the harbour. The Secretary of State accepts that the harbour will be improved as significant investment will be made to repair, restore and reinstate the harbour walls and quaysides. The redevelopment proposals have already been cleared through the planning process and include the creation of a new marina and commercial harbour. The Secretary of State has been assured that public access to the quays will be retained and there are no proposals to close harbour water.

Yours sincerely,



**Richard Bennett**