



**Marine
Management
Organisation**

Marine Management
Organisation
Lancaster House
Hampshire Court
Newcastle Upon Tyne
NE4 7YH

T 0191 376 2563
www.marinemanagement.org.uk

Monica Peto
Eversheds LLP
One Wood Street
London
EC2V 7WS

Our reference: DC9924

5 June 2015

Dear Monica,

**The Harbours Act 1964
The Blyth Harbour Revision Order 2015**

1. The Marine Management Organisation (“the MMO”) informs you that consideration has been given to the application for the Blyth Harbour Revision Order 2015 (“the Order”) for which you applied on behalf of Blyth Harbour Commissioners (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 26 January 2015.

Summary of Decision

2. The MMO has authorised the making of the Order with amendments and modifications not affecting the character of the Order which it considers necessary and appropriate.
3. The Order extends the existing powers vested in the applicant to borrow money secured against its assets or revenues.
4. The proposed Order does not constitute or authorise a project for the purposes of Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment and accordingly an environmental statement was not required.

Context

5. The applicant is the statutory harbour authority for the Port of Blyth (“the Port”) and operates under Acts and Orders 1858 to 2004.
6. The applicant is responsible for the maintenance, management and improvement of the Port.
7. The Port has grown rapidly over recent years with group turnover expected to exceed £18 million in 2014 across a diverse range of cargo sectors including offshore energy, unitised (containers), dry bulks, liquid bulks, forest products and general breakbulks.



**INVESTORS
IN PEOPLE**

8. Growth is expected to accelerate still further with a number of developments planned that are predicted to at least double turnover and tonnage throughput across the current ten year plan.
9. The Port is one of the largest Trust Port's in the UK and is identified as one of the key economic drivers in the region, employing over 100 full time employees and supporting 500+ direct jobs linked to port activity. It is also an essential gateway for international trade from northeast England and is central to Northumberland's strategy for future economic growth.
10. The applicant has existing borrowing powers under the Blyth Harbour Act 1986. Those powers are capped at £25,000,000 for permanent borrowings and £5,000,000 for temporary borrowing.
11. The current borrowing limits are likely to be severely stretched by new developments and schemes that are close to being secured. There is a risk the developments will be restricted by the current limits.
12. The applicant considers the ability to borrow against assets to a level the financial sector deem appropriate would help to unlock much needed growth, development and employment for the region.
13. The Order is sought to achieve object 10 as specified in Schedule 2 to the Act:

"Empowering the authority to borrow money, with or without limitation with respect to the amount that may be borrowed or the time or manner in which the power may be exercised."
14. In summary, it is the case for the applicant that the Order is necessary to enable it to continue to invest and develop without undue constraint ensuring it is positioned to maximise opportunity to grow the Port business thus facilitating the efficient and economical management of the harbour.

Application procedure

15. On 26 January 2015 an application for the Order was submitted on behalf of the applicant to the MMO.
16. Notice of the application for the Order was advertised in the London Gazette on 29 January 2015 and in the Northumberland News Post Leader on 29 January and 5 February 2015.
17. The MMO consulted with:
 - Department for Transport;
 - Chamber of Shipping;
 - Royal Yachting Association; and
 - Trinity House.
18. Three responses were received from those consulted by the MMO but none contained any comments or representations relating to the merits of the Order.

MMO consideration

19. Section 14 (1) of the Act provides for an order to be made under this section (“a harbour revision order”) in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties for achieving all or any of the objects set out in schedule 2 to the Act.
20. By virtue of section 14 (2)(a) a harbour revision order may not be made in relation to a harbour unless the MMO is satisfied that an appropriate written application has been made by the authority engaged in improving, maintaining or managing it or by a person appearing to it to have a substantial interest or body representative of persons appearing to it to have such an interest.
21. By virtue of section 14(2)(b) a harbour revision order shall not be made in relation to a harbour unless the MMO is satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

MMO’s decision

22. The MMO is satisfied that the Order meets the requirements of section 14(1) and 14(2)(a) of the Act.
23. The MMO is satisfied for the reasons set out by the applicant in their statement of support and summarised above that the making of the Order is desirable for the purposes of section 14(2)(b) of the Act and should be made.
24. The MMO authorises the making of the Order with amendments and modifications which it considers necessary and appropriate but not substantially affecting the character of the Order.

Challenge to decisions

25. Information on the right to challenge this decision is set out in the Annex to this letter.

Yours sincerely



Mark Kirby
Inshore Licensing Team

D 0191 376 2563

E mark.kirby@marinemanagement.org.uk

Annex

Right to challenge decisions

Right to challenge orders made under sections 14 and 16 of the Harbours Act 1964

Any person who desires to question the making of the Order on the ground that there was no power to make the Order or that a requirement of the Harbours Act 1964 was not complied with in relation to the Order, may within 6 weeks from the date on which the Order becomes operative make an application for the purpose to the High Court or the Court of Session, as the case may be.

A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking any action.