



Marine Management Organisation

Lancaster House
Newcastle Business Park
Newcastle Upon Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

Helen Wood
Senior Associate
Berwin Leighton Paisner LLP
Adelaide House
London Bridge
London
EC4R 9HA

Our reference: DC9970

24 March 2017

Dear Ms Wood,

The Harbours Act 1964 DC9970 – The Folkestone Harbour Revision Order 2017

1. The Marine Management Organisation (“the MMO”) informs you that consideration has been given to the application for the Folkestone Harbour Revision Order 2017 (“the Order”) for which you applied on behalf of the Folkestone Harbour Company Limited (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 7 March 2016.

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 authorises the construction and maintenance of a wave wall and rock revetments which will act as a flood defence for the redevelopment and regeneration of land along Folkestone Seafrost. The Order confers ancillary powers on the applicant in connection with the works.
4. The Order dis-applies section 33 of the Harbours, Docks and Piers Clauses Act 1847 (the “1847 Act”) removing ‘open port duty’ in so far as it relates to the Harbour Arm and South Quay.
5. The Order also confers further powers on the applicant to maintain and regulate the structures and facilities within their limits and specifies the harbour limits.
6. The MMO determined that the proposed Order would authorise a project. Accordingly Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment does apply to the proposal and an environmental statement (“ES”) was supplied with the application.



INVESTORS
IN PEOPLE

Bronze



Context

7. The applicant is the statutory Harbour Authority for Folkestone Harbour (“the Harbour”).
8. The applicant is responsible for the maintenance, management and improvement of the Harbour.
9. The Harbour has been used historically by passenger and freight ferries as well as cargo ships between Folkestone and Boulogne. Ferry usage rapidly declined in the 1990s to the point where ferry operations became unsustainable and the ferry link was closed down in 2000.
10. The railway line, which extended onto the Harbour Arm was designated “permanently out of use” by Network Rail in 2012 and formally ratified by the Office of Rail Regulations on 31 July 2014.
11. Planning permission was granted on 30 January 2015 by Shepway District Council (ref Y12/0897/SH) for the redevelopment and regeneration of Folkestone Seafront for a comprehensive mixed use development comprising of up to 1000 dwellings; up to 10,000m² of commercial floorspace and other community uses, including public open spaces.
12. The Order also seeks to clarify and formalise some of the Harbour powers to assist the applicant in the management of the Harbour and maintain the statutory and legal framework underpinning the effective operation of the Harbour in accordance with Modernising Trust Ports guidance (second edition) (“the guidance”). There are provisions to modernise and extend existing powers vested in the applicant in relation to the management and maintenance of the Harbour.
13. Whilst the Harbour is not a Trust Port, the section on “coverage” in the guidance indicates that although “it is aimed specifically at trust ports, all ports are encouraged to use the relevant elements of the guidance as a benchmark, as all ports on whom Parliament has devolved statutory powers and duties in the public interest should be accountable for their use”.
14. The Order authorises works to be undertaken in the Harbour, namely the construction of a wave wall and rock revetments which will act as a flood defence for the redevelopment and regeneration of land along Folkestone Seafront. The works will require the temporary stock piling of rock and plant for the revetment construction and as such the right of navigation over this area will be temporarily suspended.
15. The limits of the Harbour both landward and seaward are defined more precisely in modern terms. Land no longer being used for Harbour purposes is to be released for residential/commercial development thereby reducing the extent of the area of land within the Harbour.
16. Section 33 of the 1847 Act states that “Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock and pier shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers”. The Order removes the right to ship and

unship goods and embark and land passengers along the Harbour Arm and parts of the South Quay. It also vests power in the applicant to control which vessels may moor alongside these areas. This formalises the existing situation where trading, including shipping and unshipping of goods and commercial ferry operations, no longer takes place from or on the Harbour Arm and parts of the South Quay given the current state of facilities, depth of water, local infrastructure and market demand. Future commercial use of the Harbour Arm and South Quay are not considered viable and the Harbour Arm is intended to form public open space as part of the large scale development.

17. The Order is sought to achieve various objects specified in Schedule 2 of the Act as outlined in Annex II.

Application procedure

18. On 7 January 2016 an application for the Order was submitted to the MMO by Berwin Leighton Paisner LLP on behalf of the applicant.

19. Notice of the application for the Order was placed in the London Gazette on 7 January 2016 and in the Folkestone Herald on 7 and 14 January 2016.

20. In addition the MMO consulted directly with:

- The Crown Estate
- Kent County Council
- Sandgate Parish Council
- Folkestone Town Council
- Network Rail
- National Grid
- MMO Hastings
- Highways Agency
- Kent Wildlife Trust
- Kent Highways Services
- Shepway District Council
- Maritime and Coastguard Agency
- Trinity House
- IFCA Kent & Essex
- Royal Yachting Association
- RSPB
- Natural England
- Historic England
- Environment Agency
- Department for Transport
- Chamber of Shipping

Statutory consultee's responses

21. The comments and representations from the statutory consultees are summarised as follows:

Royal Yachting Association

22. The Royal Yachting Association (“RYA”) were generally content with the Order and suggested minor drafting amendments regarding the removal of vehicles or vessels and confirmation of byelaws. The power to make byelaws is sought under the objects in Schedule 2 of the Act as detailed in Annex II.

MMO response

23. The applicant considered the RYA’s comments and agreed to incorporate them in the Order. The MMO is satisfied that the amendments meet the requirements of section 14 within the Order and, under 14(2)(b), are necessary and desirable in the interest of securing the improvement, maintenance and management of the harbour in an efficient and economical manner.

Environment Agency

24. The Environment Agency (“EA”) stated that the construction and dredging activities need to comply with the Water Framework Directive (“WFD”) and they would expect to be consulted on any marine licence application and that such an application ought to be accompanied by a WFD assessment.
25. They also stated that in order to avoid the deterioration of Folkestone Bathing Water, construction and dredging should be undertaken outside of the bathing season from May to September. This will help to minimise sediment disturbance and avoid detrimental impact to the water quality.

Applicant response

26. The applicant has noted the comments and confirmed dredging activities are proposed to take place outside of the bathing season.

MMO response

27. The power to dredge is sought as a general power and is consistent with powers held by other harbour authorities. The power is considered necessary in order to facilitate the general maintenance and management of the harbour and does not relate to any specific works activity authorised by this Order. Statutory bodies have a duty to ensure compliance with, amongst other things, the WFD and Habitat Regulations, where relevant, before carrying out activities whether that be through their own assessment or having applied for and been granted other necessary consents, such as a marine licence under the Marine and Coastal Access Act 2009 (“MCAA”), where required.
28. The MMO is satisfied that the potential impacts of increased sedimentation on water quality as a result of the construction activities were considered in the environmental statement supporting the application. The MMO is content that potential increase in sedimentation as a result of piling activities, during construction of the wave wall and rock revetments, will be localised and temporary; that they are adequately mitigated within the ES and that appropriate conditions can be applied to any future marine licence required for the works should it be considered appropriate. Further, the MMO is satisfied the power to dredge is desirable in the interests of securing the improvement, maintenance and management of the harbour. It will allow the applicant to maintain a navigable depth in the harbour and fulfil their duties as a statutory authority. The MMO notes that the EA have no objection to the Order.

Historic England

29. Historic England (“HE”) stated that the planning permission that has been consented does not relate to the power to dredge. Any proposals for “capital” dredging should be subject to prior archaeological and geo-archaeological assessment to demonstrate the effects of the activity. They explain that any harmful effects could be mitigated through an agreed programme of works and any deposit modelling results should be integrated with onshore deposit modelling, a requirement under the planning permission. HE also stated that reporting protocols for evidence may also be required.

Applicant response

30. The applicant has noted the response from HE and has stipulated that at this point there are no proposals for capital dredging.

MMO response

31. The power to dredge is sought as a general power and is consistent with powers held by other harbour authorities. The power is considered necessary for the reasons set out in paragraph 27 of this letter. Statutory bodies have a duty to ensure compliance with, amongst other things, the WFD and Habitat Regulations , where relevant, before carrying out activities whether that be through their own assessment or having applied for and been granted other necessary consents such as a marine licence under the MCAA, where required.
32. A marine licence will be required in order to commence with construction activities described in and authorised by this Order and HE is a statutory consultee to that process.
33. The MMO notes that HE has no objection to the order. The MMO further notes the applicant’s position and is satisfied that the Order does not authorise any specific capital dredging activity and that for the reasons set out no assessment or mitigation is required in that regard for the purposes of this Order.

Maritime and Coastguard Agency

34. The Maritime and Coastguard Agency (“MCA”) stated that they are content and are satisfied that any navigational safety requirements arising from the provision of detailed method statements supporting an application for a marine licence for the works authorised can be addressed at that time.
35. MCA note that the Safety Management System (“SMS”) will need to be updated to ensure that the project is taken into account as required under the Port Marine Safety Code (“PMSC”) and follows both the PMSC and associated Guide to Good Practice (“GTGP”).
36. MCA state that the Harbour Authority has a duty to conserve the Harbour so that it is fit for use (Section 4 of GTGP) and a duty of care to see that the Harbour is in a fit condition for a vessel to use it (Section 6 GTGP). The Harbour Authority should refer to Section 8, Management of Navigation, of the GTGP.

Applicant response

37. The applicant has noted the comments by the MCA and has stated that the SMS will be updated as required. They also note the comments regarding their duties under the PMSC and GTGP.

MMO response

38. The MMO has no locus in regulating the day to day operations of harbour authorities. Compliance with the PMSC and statutory duties generally fall into the remit of the MCA and DfT respectively. The MMO has delegated responsibility for consideration of applications for harbour orders made under the Harbours Act 1964.
39. The MMO notes the response from MCA and that of the applicant. The MMO is satisfied that any navigational safety requirements arising from the provision of detailed method statements supporting an application for a marine licence for the works can be more appropriately addressed upon receipt of that application. The MMO is further satisfied that the works are desirable in the interest of securing the improvement, maintenance and management of the harbour.

Natural England

40. Natural England ("NE") confirm that the works, as described within the Order and supporting documents, do not fall within any designated site or in the vicinity of any European protected site. The nearest Marine Conservation Zone ("MCZ") is approximately 853m east of the works and the nearest Site of Special Scientific Interest ("SSSI") is approximately 408m east of the works. NE have not identified a pathway between the development and SSSI that could affect the interest features.

Applicant response

41. The applicant notes the comments by NE with regard to the works being outside of European protected areas and there being no pathway to the SSSI.

MMO response

42. As part of the consideration for the works authorised by the Order, based on the information provided to the MMO, an MCZ screening was undertaken and the project was screened out.
43. The MMO notes the response of NE and is satisfied, based on the information available, that there is no pathway to impact protected sites and the Order is desirable in the interest of securing the improvement, maintenance and management of the harbour.

Public consultation responses

44. Six members of the public submitted objections to the application during the statutory 42 day period provided for in Schedule 3 to the Act.
45. Following the expiry of the period for objections set out in the Act, the applicant engaged with statutory consultees to address their comments and to seek to agree on amendments to the Order as considered appropriate. The applicant subsequently provided a folder responding to all comments, objections and representations received during the consultation period to the MMO and requested that the MMO make a determination on the basis of the material before it.
46. Copies of the material provided were made available to the six members of the public concerned. The MMO received subsequent responses from the members of the public in respect of the material. All six maintained their objections.

47. Responses from those members of the public can be categorised and summarised as follows:

Closure of the Harbour Arm and removal of open port duty

48. Objections were received relating to the disapplication of section 33 of the 1847 Act. Specifically:

- Disapplication of section 33 would be detrimental to the future viability of the Harbour in “facilitating the efficient and economic transport of goods or passengers by sea” and “the interest of recreational use of sea going ships”. It is not possible to state there is “no demand” for commercial use without a marketing plan.
- It would be possible to have open space access along the Harbour Arm whilst maintaining open port duty over parts of the Harbour Arm where commercial vessels would berth.
- Shipping unable to reach Dover in an emergency will not be able to shelter in Folkestone.
- The applicant could effectively close the Harbour.
- The applicant is not currently complying with open port duty.

Applicant response

49. In their response the applicant stated that, whilst commercial shipping conflicts with the proposed use of the Harbour Arm as public open space, they wish to encourage the use of the Harbour Arm for pleasure craft and (in this regard) the embarkation and landing of passengers.

50. The applicant has stated that there is the potential for the embarkation and landing of passengers to take place on an ad hoc basis, by agreement and subject to the suitability of facilities for the particular vessel and physical constraints of the Harbour.

51. The applicant has stated that, in an emergency, the Harbour Arm may be used by vessels that it is able to accommodate.

52. In their response to the comments and representations received during consultation the applicant provided details of berthing enquiries for the Harbour Arm received in the last 10 years; a list of works undertaken within the Harbour since 2005 and a breakdown of the costs.

MMO response

53. Paragraph 8A of Schedule 2 of the Act enables an Authority to close part of the Harbour or reduce the facilities available in the Harbour. Section 14 of the Act outlines the tests that the provisions must pass in order for them to be incorporated into the final Order.

54. Under section 14(2)(b) of the Act, an order may be made if the MMO is satisfied that it is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or for facilitating the efficient and economic transport of goods or passengers by the sea. However, the objects sought at Paragraph 8A of Schedule 2 of the Act enables an Authority to close part of the Harbour or reduce the facilities available.

55. Section 14 (2B) of the Act states, nothing shall prevent the making of an Order for facilitating the closing of part of the harbour or a reduction in the facilities available in

the harbour if the MMO deems it desirable on grounds other than those specified in s14(2)(b).

56. The Order does not seek to close the Harbour completely. The Order authorises the disapplication of section 33 of the 1847 Act to the Harbour Arm and parts of the South Quay. This removes the right to ship and unship goods and to embark and land passengers. The visitor berths on South Quay will remain available and the disapplication of section 33 does not include the mooring platform or northern face of South Quay.
57. The MMO notes that the disapplication formalises the existing situation where trading, including shipping and unshipping of goods and commercial ferry operations, no longer take place from or on the Harbour Arm and parts of the South Quay given the current state of facilities, depth of water, local infrastructure and market demand. The MMO further notes that applicant's opinion that future commercial use of the Harbour Arm and South Quay are not considered viable and the Harbour Arm is intended to form public open space as part of the large scale development and that the closure of the Harbour Arm and parts of the South Quay is required to enable the applicant to control which boats can moor alongside those areas and to enable full effect of the planning permission and harbour development.
58. The MMO considers the Order is desirable in the interests of the maintenance, management and improvement of the harbour notwithstanding the reduction in facilities available by virtue of the disapplication of section 33.
59. In addition, the order meets the requirements of Section 14(3) of the Act which allows the statutory derogation sought by the applicant through 8A of Schedule 2 of the Act. The MMO consider the derogation to be requisite or expedient for rendering of full effect to the Order.

The authority is not maintaining the Harbour or complying with the port marine safety code

60. Objections were received stating that the authority had not been fulfilling its statutory role. The main points raised can be captured as follows:
 - Existing facilities have been allowed to fall into a state of disrepair.
 - The lack of maintenance does not comply with the PMSC.
 - The applicant has failed to keep the Harbour open in line with their obligations as a statutory Harbour and have used their own failings for grounds to close the Harbour Arm.
 - Essential elements were removed that are required to operate a viable port.

Applicant response

61. The applicant has stated that they have not failed to maintain the Harbour and there are Notice to Mariners in place to warn of potential submerged debris.
62. The essential elements referred to are the link span and buildings. The applicant responded to this stating that the infrastructure was removed by the ferry company and is not a matter for consideration in their application for this Order.

63. The applicant has stated that the ferry service was discontinued long before they acquired the Harbour. The infrastructure including the link span bridge and two small buildings were removed by the ferry operator.

MMO response

64. The MMO has no locus in regulating the day to day operations of harbour authorities. Mechanisms exist outside of this process for those concerned with the effective delivery of statutory functions to seek remedy where appropriate.

65. The objects for which this Order was sought are outlined in Annex II and include a number of provisions to enable the applicant to undertake maintenance activities within the Harbour limits, as defined in the Order and corresponding plans. The power to dredge conferred by this Order, provides the applicant with powers to dredge ensuring that navigable depths can be maintained.

66. The MMO is satisfied that the powers to undertake works and carry on maintenance activities contained in the order are desirable in the interest of securing the improvement, maintenance and management of the harbour.

There is the potential for a future ferry route between Folkestone and Boulogne

67. Objections were made to the Order relating to the potential for a future ferry route between Folkestone and France and that a serious viability study into the reintroduction of a ferry service has not been conducted.

Applicant response

68. In their response, the applicant has stated that they sought expert views into the reinstatement of a cross channel ferry service and the viability of commercial shipping in the Harbour and the view was that neither a ferry service nor commercial shipping are viable operations from the Harbour.

MMO response

69. The MMO notes the applicant's opinion that future commercial use of the Harbour Arm and South Quay are not considered viable. The MMO has delegated responsibility for the consideration of applications made under the Harbours Act 1964. The reinstatement of a continental ferry service does not form part of the application before the MMO and as such is out of scope.

70. The MMO considers that the facilities provided within the harbour and or viability of future commercial opportunities is a matter for the applicant. The Order authorises the disapplication of section 33 of the 1847 Act to the Harbour Arm and parts of the South Quay and the MMO is satisfied in this regard for the reasons previously set out.

Miscellaneous

71. A number of objections and representations were received in respect of a variety of issues in addition to those set out above. Grounds include, but are not limited to:

- i. The inadequate assessment of heritage and historic features.
- ii. The flood risk posed by the works authorised.
- iii. Wastewater discharge into the Harbour.
- iv. There has been a change of function to the lighthouse and the light is not functional.
- v. The railway line on the harbour arm should be preserved for occasional use.

Applicant response

72. The EA do not object to the construction of the wave wall and revetments. As Folkestone seafront is a coastal erosion frontage, Shepway District Council acts as the appropriate management authority responsible for coast protection works. Shepway District Council did not object to the construction of the wave wall and revetments and in fact granted the planning permission on 30 January 2015 for the redevelopment and regeneration of Folkestone Seafront (ref Y12/0897/SH).
73. The applicant advised that there is a Notice to Mariners in place regarding the temporary extinguishment of the light during maintenance works. Once the works are complete, the light will be replaced. TH were notified and are content.
74. The railway was designated "permanently out of use" by Network Rail in 2012 and this decision was formally ratified by the Office of Rail Regulations on 31 July 2014. This decision cannot be overturned by an application under the Act and is outside the remit of the MMO. The decision was made by the competent authority and does not form part of the application for the Order.

MMO response

75. In response to point (i), HE is a consultee for applications made under the Harbours Act 1964 and the Marine and Coastal Access Act. HE did not raise any concerns in respect of the adequacy of the assessment of heritage assets as part of the process. The MMO is satisfied that adequate assessment has been made.
76. The EA were consulted as part of the application for the Order and raised no concerns regarding flood risks, as raised in point (ii). The authorised works form part of the flood defence structures within the Harbour and are fundamental to the project. The MMO is satisfied that flood risk has been adequately assessed and the works are desirable in the interests of securing the improvement, maintenance and management of the Harbour.
77. Also under point (ii), coastal processes on the foreshore cause shingle material to build up against the Harbour Arm. The applicant was granted a marine licence (MLA/2014/00282) in order to recycle this material for flood defence work. This activity was assessed under EIA during the licence application process, consent was granted and it does not need to be reconsidered as part of this Order.
78. With regard to point (iii), the discharge of untreated waste water directly into the marine environment is not permitted under the Urban Waste Water Directive. Water discharge is regulated by the EA and the MMO is satisfied that the Order does not authorise anything which could be considered in breach of the directive.
79. In response to point (iv) The change of function to the lighthouse forms part of the development to the Harbour Arm for which planning permission has been granted and EIA consent granted by Shepway District Council. During consultation no objections raised by HE, MCA or TH in relation to the lighthouse. The applicant has agreed to replace the light once the maintenance works are complete. The MMO notes TH are satisfied by the proposal. The MMO is satisfied that the works authorised in the Order are desirable in the interests of securing the improvement, maintenance and management of the harbour.

80. The MMO notes the applicant's response to the process for closure of the railway, raised in point (v). The MMO is satisfied that this was undertaken by the appropriate authority and has no further comment to make on this point.

MMO consideration

81. Paragraph 19 of Schedule 3 to the Act provides that the MMO shall consider any ES supplied with the application, the result of any consultations, any opinion under paragraph 16(5) and the result of any consultations with other European Economic Area ("EEA") states, any objections made and not withdrawn, any representations received and the report of any person who held an inquiry before making a determination.
82. 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. The Order contains provision for maintenance and construction as part of the harbour development to enable the authority to manage the Harbour to exercise their statutory functions. The provisions within the Order are *intra vires*.
83. 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.
84. By virtue of Section 14(2)(b) of the Act a harbour revision order may 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 economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.
85. By virtue of section 14(2B) nothing in subsection (2)(b) of this section shall prevent the making of an order facilitating – (a) the closing of part of the harbour, (b) a reduction in the facilities available in the harbour, or (c) the disposal of property not required for the purposes of the harbour, if the appropriate Minister is satisfied that the making of the order is desirable on grounds other than those specified in that subsection".
86. By virtue of section 14(3) a harbour revision order may include all such provisions as appear to the MMO to be requisite or expedient for rendering full effect any other provision of the Order.

MMO's decision

87. The MMO has assessed the Order in line with the requirements of the EIA Directive and transposing legislation.

88. The MMO concludes that the environmental impacts of the works authorised by this Order have been adequately identified, described and assessed and is satisfied that the mitigation proposed in the ES is sufficient.
89. The applicant is aware of the requirement to apply for the appropriate marine licences in order to carry out the construction and maintenance works, as described in the ES.
90. In its assessment, the MMO considered the information provided by the applicant in support of their application.
91. The MMO is satisfied that the Order meets the requirements of section 14(1), 14(2)(a), 14(2)(b), 14(2B) and 14(3) of the Act.
92. The MMO has taken into consideration the information supplied by the applicant during the application and other information submitted throughout the process including all consultation responses, objections and representations.
93. 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.
94. The MMO advises that the making of this Order does not absolve the applicant from seeking any other consents or approvals which may be required before embarking upon the works to which is refers. This includes the requirement for a marine licence for any activities that fall under the MCAA.

Challenges to decisions

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

Yours Sincerely



Jayne Burns
Marine Licensing Case Officer

D +44 (0)208 225 6439

E Jayne.Burns@marinemanagement.org.uk

Annex I

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.

Annex II

- 3. Varying or abolishing duties or power imposed or conferred on the authority by a statutory provisions of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of –
 - a. Improving, maintaining or managing the harbour;
 - b. Marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or
 - c. Regulating the carrying on by others of activities relating to the harbour or of activities on harbour land.
- 4. Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph (3).
- 6. Settling (either for all purposes or for limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled.
- 7B. Extinguishing public rights of navigation for the purposes of works described in the order or works ancillary to such works, or permitting interference with the enjoyment of such rights for the purposes of such works carried out by a person authorised by the authority to carry them out.
- 8A. Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour.
- 9. Empowering the authority to dispose of property vested in them and held for the purposes of the harbour which is no longer required for those purposes.
- 9A. Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of land or of interests in it, and acquire land by agreement for the purpose of developing it together with such land.
- 9B. Empowering the authority to delegate the performance of any of the functions of the authority except –
 - a. A duty imposed on the authority by or under any enactment;
 - b. the making of byelaws;
 - c. the levying of ship, passenger and goods dues;
 - d. the appointment of harbour, dock and pier masters;
 - e. the nomination of persons to act as constables;
 - f. Functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and sea-marks, so far as those functions are exercisable for the purposes of the safety of navigation.
- 11. Empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than as aforesaid) levied by them at the harbour.
- 12. Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.
- 16. Extending the time within which anything is required or authorised by a statutory provision of local application affecting the harbour to be done in relation to the harbour by the authority or fixing a time within which anything authorised by the order to be so done must be done.
- 16A. Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the

harbour or of any of the fauna, flora or geological or physiological features in the harbour and all other natural features,

- 17. Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour.