



Department
for Transport

Pilotage Function Removal Order Consultation

The North Devon District Council
Harbour Authority (Removal of
Pilotage Functions) Order –
Ilfracombe Harbour

Summary of Consultation
Responses
March 2019

Moving Britain Ahead

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Executive Summary



Ilfracombe Harbour

This document summarises responses to the Department for Transport's consultation¹ on the draft North Devon District Council Harbour Authority (Removal of Pilotage Functions) Order (the Order) and notes the Secretary of State's decision, following unanimous support from respondents, to bring the Order into force.

North Devon District Council applied to the Secretary of State to be removed from the list of Competent Harbour Authorities (CHAs) in respect of Ilfracombe Harbour (the only harbour which it manages in its capacity as a CHA). Removal requires the Secretary of State to make a Pilotage Function Removal Order (PFRO) under Section 1 of the 1987 Pilotage Act (as amended by the Marine Navigation Act 2013).

The consultation, which was held between 7 January and 17 February 2019, sought views on removal.

Three responses were received and, of those which expressed a preference, all supported the removal of North Devon County Council's CHA status.

The Secretary of State has, therefore, decided to bring the Order into force as soon as possible.

¹ See www.gov.uk/government/consultations/ilfracombe-harbour-pilotage-function-removal-order.

Consultation

The consultation outlined the legislative background to maritime pilotage, the powers of a CHA, summarised North Devon District Council's application and explained the issues the Secretary of State had considered and why, subject to the views of stakeholders, he was minded to make an Order. It also contained a draft of the Order to enable respondents to see the intended drafting.

The consultation requested responses to three specific questions:

Question 1

Do you agree that there is no need for:

- (a) pilotage services to be provided at Ilfracombe Harbour; and
- (b) a designated body who should be charged with keeping pilotage provision under review?

Question 2

Do you have a view on whether the proposal to remove the North Devon District Council's CHA status will have any impact (positive or negative) on the users of Ilfracombe Harbour or the local environment whether directly or indirectly?

Question 3

Are you aware of any quantifiable costs of benefits that could be attributed to the removal of North Devon District Council's CHA status?

Responses

Three consultation responses were received.

Two of the three replies answered the consultation questions directly. These both supported the Secretary of State's proposal to remove North Devon District Council's CHA status. Their responses to the questions were as follows:

1. Both agreed that there was no need for (a) pilotage services to be provided at Ilfracombe Harbour and (b) a designated body who should be charged with keeping pilotage provision under review.

2. The first respondent believed there would be no impact on either harbour users or the local environment; the second respondent supported this position.
3. Both stated that they were unaware of any quantifiable costs or benefits that could be attributed to the removal of North Devon District Council's CHA status.

The third respondent did not provide a direct response to the consultation questions. However, they did raise a related issue concerning any potential historical liabilities North Devon District Council may have in respect of the Pilots' National Pension Fund.

Additional advice was sought from Ilfracombe Harbour officials and North Devon District Council on this point. Both were satisfied, following investigation, that North Devon District Council had no outstanding liabilities in this respect. Subsequently, the PNPf Secretary was informed of the Secretary of State's intention to make the Order. The Secretary confirmed that there are no liabilities of this kind attributable to Ilfracombe Harbour and that the PNPf Trustee has no concerns about the removal of North Devon District Council's CHA status.

Decision

Given unanimous support for the proposal among those who expressed a preference, the Secretary of State has decided to proceed with making the North Devon District Council Harbour Authority (Removal of Pilotage Functions) Order as soon as possible.

Once in force the Order will remove North Devon District Council's CHA status.

The Order will, once made, be available from www.legislation.gov.uk.