

HARBOURS ACT 1964 (AS AMENDED)

PROPOSED CORNWALL HARBOURS HARBOUR REVISION ORDER 20[]

NOTICE OF APPLICATION FOR A HARBOUR REVISION ORDER

PROPOSED PORTREATH, PORTSCATHO AND PORTWRINKLE HARBOUR EMPOWERMENT ORDER 20[]

NOTICE OF APPLICATION FOR A HARBOUR EMPOWERMENT ORDER

NOTICE IS HEREBY GIVEN that Cornwall Council (“the applicant”) has applied to the Marine Management Organisation (“MMO”) for a harbour revision order under section 14 of the Harbours Act 1964 and a harbour empowerment order under section 16 of the Harbours Act 1964.

The proposed harbour revision order (‘HRO’) relates to the harbours and ports of Bude, Newquay, Penryn, Penzance, Prince of Wales Pier in Falmouth, St Ives and Truro. It modernises and consolidates the statutory harbour powers applying to all seven harbours, so that they are all governed under the HRO. The HRO provides for: clarity of the harbour limits, general functions, constitution and governance arrangements of the Cornwall Harbours Board, advisory bodies, application of harbour revenue, establishment of reserve funds and borrowing powers. Powers include a power to dredge, moorings, aids to navigation, repair of landing places, works and dredging licensing and penalties for obstruction of works. Modernised regulatory and management powers including provisions relating to parking places, removal of vehicles and vessels, byelaws, general and special directions. Charging powers including charges other than ship, passenger and goods dues, charges for services or facilities, setting of charges, payment of charges, compounding arrangements and rebates, deposits, liens, exemptions, recovery, consequences of not paying and exemptions. Miscellaneous modern powers including development of land, grant of tenancies and disposal of land, appropriation of land and works, other commercial activities, delegation of functions, bunkering, disposal of wrecks, unserviceable vessels, obstructions other than vessels, boarding of vessels and vehicles, notices, savings, amendments to the St Ives (Pilotage) Harbour Revision Order 1988, the Penzance and Newlyn (Pilotage) Harbour Revision Order 1988 and the Stratton and Bude Improvement Act 1901 and the revocation / repeal of the majority of statutory harbour legislation applying at each of the harbours. Further information about these powers can be found in the statement of support of the application.

This proposed harbour empowerment order (‘HEO’) relates to the harbours of Portreath, Portscatho and Portwrinkle and provides for Cornwall Council to be the statutory harbour authority for each harbour. The HEO defines the harbour limits and amends the provisions of the proposed HRO to add the harbours of Portreath, Portscatho and Portwrinkle to the definition of ‘harbours’ within article 2 and their harbour limits to Schedule 1 of the HRO. This would mean that the provisions of the proposed HRO (as amended) will apply to the harbours. The HEO also amends the power to dredge contained in the proposed HRO to disapply the exemption contained in section 75 of the Marine and Coastal Access Act 2009 in respect of the

harbours of Portreath, Portscatho and Portwrinkle. Further information can be found in the statement of support of the application.

The proposed Orders would not authorise the construction or alteration of a project or confer development consent. Accordingly, Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended) which is codified by Council Directive 2011/92/EU (as amended by Directive 2014/52/EU) does not apply to the proposals and no environmental statement has been supplied.

A copy of the draft Orders, plans and statement of support are deposited at the offices of the applicant at New County Hall (Truro), Truro Harbour Office, St Ives Harbour Office, Pier Master's Hut (Prince of Wales Pier, Falmouth), Bude Harbour Office (Bude Visitor's Centre), Newquay Harbour Office, Penryn Harbour Office and the Penzance Harbour Office. In addition, the same documents are also deposited at Curgurrell Farm Shop (Portreath), Jolly Roger Café (Portwrinkle) and Graylands Registry Office (Liskeard). These may be inspected (by prior appointment due to Covid-19) at all reasonable hours until the expiry of the forty-two day period referred to below.

The draft orders and accompanying documents are also available for inspection at the offices of the MMO in Newcastle by appointment at the email address below or may be viewed on the MMO's website at:

<https://www.gov.uk/government/collections/harbour-orders-public-register>

Any person desiring to make an objection or representation concerning the applications should write to the Marine Licensing Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH or email to harbourorders@marinemanagement.org.uk. An objection or representation should:

- i. be received before the expiry of a period of 42 days starting with the date at the foot of this notice;
- ii. be made in writing quoting reference :
 - **HRO/2019/00008** for objections / representations related to the harbour revision order application;
 - **HRO/2019/00006** for objections / representations related to the harbour empowerment order application
- iii. state the grounds of the objection or representation;
- iv. indicate who is making the objection or representation; and
- v. give an address to which correspondence relating to the objection or representation may be sent.

The MMO will pass to the applicant a copy of any objections and other representations received.

If an objection is duly made and not withdrawn then the MMO may cause an inquiry to be held. Any objections duly made and not withdrawn and any representations duly made will be considered before the MMO decides whether or not to make the Orders.

Dated: 6th September 2021

Ashfords LLP

Solicitors for Cornwall Council