

MARINE MANAGEMENT ORGANISATION
HARBOURS ACT 1964 (AS AMENDED)

PROPOSED CORNWALL HARBOURS
HARBOUR REVISION ORDER 20[X]

STATEMENT IN SUPPORT OF THE
APPLICATION FOR A HARBOUR REVISION

ORDER BY:

CORNWALL COUNCIL

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ANNEX 1: LIST OF LOCAL HARBOUR LEGISLATION SUBMITTED WITH THE APPLICATION

ANNEX 2: LIST OF ASSETS FOR EACH HARBOUR

INTRODUCTION

- 1.1. This statement relates to the application by Cornwall Council for the proposed Cornwall Harbours Harbour Revision Order 20[X]. Cornwall Council is the Statutory Harbour Authority ('**SHA**') for the Port of Truro, Port of Penryn, Newquay Harbour, Bude Harbour, St Ives Harbour, Penzance Harbour and Prince of Wales Pier (Falmouth). St Ives Harbour is a Fishery Harbour under the Sea Fish Industry Act 1951.
- 1.2. In addition, the Council owns (but is not currently an SHA in respect of Portreath Harbour, Portscatho Harbour and Portwrinkle Harbour). A separate Harbour Empowerment Order application has been made in respect of these three harbours (Portscatho Harbour is also a Fishery Harbour under the Sea Fish Industry Act 1951).
- 1.3. This application is made in a letter to the Marine Management Organisation ("the MMO") dated 7 October 2019 and is accompanied by:
 - (a) A copy of the draft Cornwall Harbours Harbour Revision Order 20[X]
 - (b) Copies of the 12 Harbour Limits plans to be deposited with the Cornwall Harbours Harbour Revision Order 20[X];
 - (c) This statement; and
 - (d) The fee for the application, by BACS, in the sum of £4,000.00;
 - (e) Copies of the local harbour legislation referred to in Annex 1 of this Statement of Support
- 1.4. This application for the proposed Cornwall Harbours Harbour Revision Order 20[X] ('**the HRO**'), is for a harbour revision order to be made under the powers conferred on the Secretary of State for Transport by section 14 of the Harbours Act 1964 which are delegated to the MMO by the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674).
- 1.5. The HRO would consolidate and modernise existing local statutory harbour legislation in respect of all seven of the harbours referred to in Schedule 1 of the HRO and confer further modernised powers on the Council considered conducive to the efficient and economical operation, maintenance, management and improvement of harbours. Nearly all of the current local legislation relating to the seven harbours is repealed under the proposed HRO, meaning that in the future those harbours will all be governed by nearly identical statutory provisions, which will significantly improve the efficient and economic operation and management of the harbours. The local statutory provisions being retained are set out in Schedule 4 of the HRO.
- 1.6. The HRO clearly defines the harbour limits for each harbour, which in the case of Bude Harbour and Prince of Wales Pier (Falmouth) are currently unclear, and disapplies the 'Open Port Duty' (section 33 of the Harbours Docks and Piers Clauses Act 1847 in respect of Prince of Wales Pier). It also confers further modernised powers on the Council considered conducive to the efficient and economical operation, maintenance, management and improvement of the Harbours. In particular, the HRO would confer modern powers on the Council to give general directions to vessels using the Harbours and persons and vehicles using the Harbours, together with powers exercisable by the harbour masters appointed by the Council to give special directions to vessels. These powers are required to support the effective management of the vessels and others using the harbours, as recommended in the Port Marine Safety Code.

2. CORNWALL STATUTORY HARBOUR AUTHORITY

- 2.1. The seven existing statutory harbours are classed by the Department for Transport ("DfT") as municipal ports. For ease of reference Cornwall Council, in the exercise of the SHA function at the Harbours, is referred to as 'the Council' throughout this Statement of Support. The Council, as the SHA for each of the seven statutory harbours is governed by its own local legislation. Although some of the provisions are similar, the local acts and orders applying at each harbour are unique. This makes the overall management of the harbours more complicated and less efficient for the Council, than if they were governed broadly by the same statutory provisions. At each of the statutory harbours, the Council is responsible for their administration, maintenance and improvement, which is more fully described in section 3 below.
- 2.2. The Council is also the Competent Harbour Authority under the Pilotage Act 1987 in respect of the Port of Penryn, the Port of Truro, St Ives Harbour and Penzance Harbour. In addition, it is the Local Lighthouse Authority in respect of the seven statutory harbours.
- 2.3. In managing the harbours, the Council strives to observe industry standards set out in Government guidelines. The Council is committed to complying with the principles of the various codes and reports applying to the ports and harbours industry, such as the Ports Good Governance Guide, except where not relevant to the Council's constitution.

3. THE HARBOURS

Port of Truro

- 3.1. The Port of Truro, located in Truro, covers approximately 2500 acres including the water area. The area of water currently within the jurisdiction of the Council as a Statutory Harbour Authority includes areas in the Truro River and Fal Estuary as well as in the City of Truro itself. The Harbour has dry 'real estate', together with areas of water, including approximately 1,000 – 1,200 moorings.
- 3.2. The main activities which take place at the Port of Truro are fishing, commercial coaster activity, and leisure boating. The King Harry Ferry (a vehicular chain ferry) also operates within the Port of Truro between Feock (Truro side) and Pilleigh (St Mawes side).
- 3.3. The proposed harbour limits under the HRO are set out in the five Port of Truro plans deposited with the HRO application. The Port of Truro (Truro River Overview) Harbour Limits Plan and the River Fal 1 (Port of Truro) Harbour Limits Plan and River Fal 2 (Port of Truro) Harbour Limits Plan between them show the entirety of the proposed harbour limits for the Port of Truro (which includes parts of the River Fal and the Truro River). The plans encompass all of the land, including land covered by water, currently within the harbour limits (shown shaded blue). In addition, the additional areas proposed to be included within the harbour limits are shown shaded green.
- 3.4. This additional land is necessary for operational harbour purposes. The land indicated as proposed additional harbour land on the plan entitled Truro River 1 already provides income for the Port of Truro. Rental income is received from the old Weighbridge office, as well as from mooring dues for boats at Town Quay. The Port also already has control of garden areas on Worth's Quay, Worth's Quay itself and car parking areas in the vicinity of the Harbour Office at Town Quay, from which revenue is raised for the port.

- 3.5. All additional land shown on the plan marked Truro River 2 has been purchased since 1987 for marine related activities using harbour funds, but currently sits outside of the harbour limits. Incorporating this land into the harbour limits would ensure that the income from this land is ring fenced for the Harbours in the future.
- 3.6. In addition, the additional area of land shown on the 'Truro River 3 plan' is the area of land on which Malpas Marine is situated. Malpas Marine is a small marina with 40 pontoon berths and a landing stage. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land.
- 3.7. Financially the Port of Truro consistently generates a surplus of approximately £80,000 per annum. At 31 March 2019, it had reserves of £319,812.74. The additional areas of land being included within the proposed harbour limits will not increase this surplus, as the income from this land is already treated as harbour revenue. The extension of the harbour limits to include the additional land, is simply rationalising the already existing position.

Port of Penryn

- 3.8. The Port of Penryn, located in Penryn, covers approximately 40 hectares and the area of water currently within the jurisdiction of the Council as a Statutory Harbour Authority includes 918 moorings and berths, consisting of 256 swinging moorings, 29 quay berths, 150 beach berths and 483 pontoon berths.
- 3.9. The main activities which take place at the Port of Penryn are leisure based. There is further limited use by commercial fisherman and some use by marine civil engineering craft, which may include diving.
- 3.10. The proposed harbour limits under the HRO are set out in the plan deposited with the HRO. The Port of Penryn Harbour Limits plan shows the entirety of the proposed harbour limits for the Port of Penryn. The plan encompasses all of the land, including land covered by water, currently within the harbour limits (shown shaded blue). In addition, the additional areas proposed to be included within the harbour limits are shown shaded green. Some of these areas (such as Exchequer Quay and Church Beach dinghy park) have formed part of the harbour undertaking for many years but are not formally incorporated within its limits.
- 3.11. In particular Exchequer Quay is already a source of revenue for the harbour undertaking, due to rental income from Council owned property (currently used as a café) at this location, and berthing charges collected from boats berthed alongside the quay itself. The Council's current position in respect of Church Beach Dinghy Park will be formalised as a result of the HRO. The Council currently has a leasehold interest in this area, and it is already managed as part of the undertaking. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land.
- 3.12. Financially the Port of Penryn consistently generates a small surplus of approximately £40,000 per annum. As at 31 March 2019 it had reserves of circa £511,257.35. The additional areas of land being included within the proposed harbour limits will not increase this surplus, as the income from this land is already treated as harbour revenue. The extension of the harbour limits to include the additional land, is simply rationalising the already existing position.

Penzance Harbour

- 3.13. Penzance Harbour, located in Penzance, has capacity to accommodate vessels of up to 80 metres in length and it has 3 berths capable of doing so.
- 3.14. The main activities which take place at Penzance Harbour are fishing, limited commercial activity (including a dry dock), and a ferry terminal providing the lifeline link to The Isles of Scilly. It is estimated that 80,000 passengers use this service (provided by The Isles of Scilly Steam Ship Company) annually.
- 3.15. The Penzance Harbour Limits plan shows the areas within the existing harbour limits that are to remain part of the harbour, shaded blue black. The small area of land shaded yellow on the same plan, indicates land that is proposed to be removed from the harbour undertaking. This land is proposed to be removed because it is not required for harbour purposes and is not currently managed as part of the harbour undertaking. Located on part of the land is a monument which the Town Council maintains.
- 3.16. Three additional areas of land above high water (shown shaded light green) are proposed to be added to the harbour limits. The largest of these three areas is part of a car park area. The harbour car park will be compounded with a barrier, keeping it separate from the other adjacent Council car park. This area will be used as boat storage during the winter and in the summer, and as car parking for visitors with trailers and stakeholders. This area of land should provide an additional annual income of circa £30,000 to the harbour undertaking. The other two smaller areas of additional land are a seating area and a 'pull in' area for cars which are required for harbour operational purposes.
- 3.17. Two areas of land below mean high water springs (shown shaded dark green) are being added to the harbour limits, for safety of navigation purposes (including prevention of abandonment of vessels on the rocks, creation of a safe swimming area and regulation of anchoring and moorings).
- 3.18. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land added, but not the small area of land being removed from the harbour undertaking.
- 3.19. Financially the Penzance Harbour consistently generates a surplus of approximately £60,000 per annum. As stated above, the additional car park areas of land being included within the proposed harbour limits will increase annual revenue by approximately £30,000.

Newquay Harbour

- 3.20. Newquay Harbour, located in Newquay, has capacity to accommodate approximately 65 vessels.
- 3.21. The main activities which take place at Newquay Harbour are leisure and fishing. The maximum sea-going vessel size that the harbour can accommodate is 40ft. £1,250,000 of shellfish (by value) is landed at Newquay Harbour on average every year, as a result of the commercial fishing activity carried out there.
- 3.22. The Newquay Harbour Limits plan shows the area within the existing harbour limits which is to remain part of the harbour shaded blue. Two additional areas of land above high water (shown shaded light green) are proposed to be added to the harbour limits. These additional areas have been treated as part of the harbour undertaking for many

years albeit they do not formally fall within the current harbour limits. They are:

- (a) land at Active Cellars, which at present already provides income to the harbour undertaking from leasehold rent paid by fisherman;
- (b) land at Fly Cellars which is used by vessels visiting the harbour at present;
- (c) the deep-water landing stage at the harbour used by various vessels visiting the harbour at present. It is considered that the incorporation of this land into the harbour limits would facilitate better maintenance of the same. The adjacent additional area of water included within the proposed additional limits will enable the Council to ensure navigational safety and compliance with the Port Marine Safety Code with respect to vessels using the deep-water landing stage.

3.23. One area of land below mean high water springs (shown shaded dark green) is being added to the harbour limits, for safety of navigation purposes).

3.24. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land.

3.25. Financially Newquay Harbour generally breaks even each year. The additional areas of land being included within the proposed harbour limits will not increase this surplus, as the income from this land is already treated as harbour revenue. The extension of the harbour limits to include the additional land, is simply rationalising the already existing position.

Bude Harbour

3.26. Bude Harbour, located in Bude has capacity to accommodate 3 commercial fishing boats in the Harbour, and an additional 30 small craft in the area on the Bude Harbour Limits Plan marked as 'Bude Haven' during the summer. These craft are largely stored away during the winter. The area of water currently within the jurisdiction of the Council as the Statutory Harbour Authority (shown shaded blue the Bude Harbour Limits plan) includes Bude Haven and Bude Canal as well as the sea front area from Compass Point to Maer Lake.

3.27. The main activities which take place at Bude Harbour are leisure, fishing, boat hire and kayak use. There are no boat trips operating from the harbour. The largest craft to use the harbour regularly is 26ft, and 60ft vessels can be accommodated, between moorings, alongside berths in the area marked as Bude Canal on the plan. Outside of this area, there is space for approximately 40 vessels.

3.28. In addition, the proposed additional harbour limits (shaded green), are owned by the Council and used as a carpark. This land would provide an additional source of income revenue for the harbour undertaking of circa £50,000 per annum in the form of car parking fees. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land.

3.29. Financially Bude Harbour has historically operated at a deficit of approximately £25,000 per annum. As stated above, the additional area of land being included within the proposed harbour limits will increase the revenue at Bude harbour surplus by approximately £50,000 per annum, which is anticipated to result in an annual surplus of circa £25,000.

St Ives Harbour

- 3.30. St Ives Harbour, located in St Ives, covers the area from the landmarks labelled as Porthminster Point to Porth Gwidden beach as marked on the plan. The area of water and harbour premises currently within the jurisdiction of the Council as the Statutory Harbour Authority includes the area between the said landmarks and is shown shaded blue on the St Ives Harbour Limits Plan. St Ives Harbour is a Fishery Harbour under the Sea Fish Industry Act 1951. The main activities which take place at St Ives Harbour are fishing, leisure and boat trips.
- 3.31. The harbour facilitates 160 moorings under 10 metres in length. The Harbour has extremely limited dry 'real estate' within its existing harbour limits. There is a very small additional area of land (shown shaded light green) that is proposed as an inclusion of the harbour limits. The land is adjacent to Wharf Road, near Western Pier. This is a slipway used for water access by sea going pleasure boats, and by hire craft for the purpose of picking up passengers. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land.
- 3.32. One area of land below mean high water springs (shown shaded dark green) is being added to the harbour limits, for safety of navigation purposes (including to mark a dangerous rock and to impose a suitable speed limit in the harbour approaches).
- 3.33. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land.
- 3.34. Financially St Ives Harbour consistently generates a small surplus of approximately £10,000 per annum. The additional areas of land being included within the proposed harbour limits will not increase this surplus, as it is not income producing. The extension of the harbour limits to include the additional land, is simply rationalising the already existing position.

Prince of Wales Pier

- 3.35. Prince of Wales Pier, located in Falmouth, is a town centre pier that contributes dry real estate only to the Council's estate in its capacity as the Statutory Harbour Authority. The existing limits of the pier are shown shaded blue on the Prince of Wales Pier Harbour Limits Plan) and include the area seawards 50 yards from all parts of the Pier (this is already the case under article 7 of the Falmouth Corporation Quays Order 1902 (which is being repealed)).
- 3.36. The main activities which take place at Prince of Wales Pier are tourism visits, and it is anticipated that roughly 500,000 people a year visit the pier to access boat trips launching from the pier, and for recreational walks.
- 3.37. In addition to the current limits, it is proposed that the Tourist Information Centre (shown shaded green) is included within the new harbour limits. Whilst the gift shop and café on the pier are already within harbour limits, incorporating the Tourist Information Centre within the harbour undertaking would produce roughly £5,000-£6,000 in additional annual income by way of rent from the business operating from it. Following grant of the HRO, the Council will be able to exercise its enforcement powers as an SHA over all of the land within the harbour limits, including the additional land.
- 3.38. Financially Prince of Wales Pier (Falmouth) consistently generates a small surplus of approximately £10,000 per annum. As stated above the additional area of land being included within the proposed harbour limits will increase harbour revenue by approximately £5,000 to £6,000 per annum.

4. THE PORT MARINE SAFETY CODE

- 4.1. As the Statutory Harbour Authority for seven statutory harbours, the Port Marine Safety Code (November 2016) published by the Department for Transport (“the Code”) applies to the Council as well as to all statutory harbour authorities and other marine facilities, berths and terminals in the UK. The Executive Summary to the Code explains that:

“The Code has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbours or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope.”

- 4.2. The Code identifies a number of tasks which harbour authorities should undertake in order to comply with the Code including reviewing and being aware of existing powers based on local and national legislation and advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 2.5 of the Code states “... *harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already*”. The Council is seeking to obtain modern powers of General Direction (covering both vessels and vehicles) to enable it to have a single set of General Directions covering each harbour (with as much uniformity between the harbours as is appropriate on a risk led basis) instead of having separate byelaws and directions. The Council currently does not have powers of either General Direction or Harbour Direction in respect of its seven statutory harbours. As such designation with powers of General Direction is an important tool which will assist the Council with compliance with the Port Marine Safety Code. Once the HRO is granted the Council will be able to exercise its enforcement powers as an SHA, including the new powers of General Direction over all land within the limits of the harbours (as defined under the HRO).

5. THE HARBOURS ACT 1964

- 5.1. Section 14 of the Harbours Act 1964 (“the 1964 Act”) confers powers which have been devolved to the MMO (see paragraph 1.4 above) to make an order under that section (known as 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 specified in Schedule 2 of the 1964 Act.
- 5.2. Section 14(2)(a) of the 1964 Act requires that written application be made to the MMO by the authority engaged in improving, maintaining or managing the harbour in question and section 14(2)(b) provides that the MMO must be:

“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 facilitating the efficient and economic transport of goods or

passengers by sea or in the interests of the recreational use of sea-going ships”.

The matters set out in Schedule 2 to the 1964 Act include, in particular, at paragraph 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 above”.

And, at paragraph 6:

“Settling (either for all purposes or limited purposes) the limits within which the authority is to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled”.

- 5.3. Because this is not an application for a harbour revision order which, directly or indirectly, authorises a project (within the meaning of paragraph 1 of Schedule 3 to the 1964 Act), prior notification to the MMO under paragraph 3(a) of Schedule 3 to the 1964 Act is not required.
- 5.4. The application for the HRO under section 14 of the 1964 Act meets the conditions set out in that section. In particular, the application meets the requirements of:
- (a) section 14(1) of the 1964 Act because it is made in relation to harbours which are being improved, maintained or managed by a harbour authority in the exercise and performance of its statutory powers and duties for the purpose of achieving objects falling within Schedule 2 to the Act.
 - (b) section 14(2) of the 1964 Act because:
 - (i) The application is made upon the written application of a harbour authority engaged in improving, maintaining or managing the harbour; and
 - (ii) The making of the HRO is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner.

6. PRE-APPLICATION CONSULTATION

6.1 Prior to submission of the HRO application, the Council has carried out extensive pre-application consultation over a number of years. The most recent pre-application public consultation took place between the 17th July and 16th August 2019. Apart from a concern raised in relation to the chain ferry operating in the Port of Truro (and the charging provisions in article 39 of the proposed HRO) all of the consultation responses received were supportive of the proposed HRO and no objections were raised.

7. NEED AND JUSTIFICATION FOR HRO

A. GENERAL

7.1 Preparation for the proposed HRO has been in progress since 2014, following the commissioning of a report by the Council from Fisher Associates, called a ‘Review of Local

Authority Ports and Harbours in Cornwall' (October 2014) ("**the Fisher Report**"). A copy of the report and the related 'Sustainable Strategy for Ports and Harbours in Local Authority Ownership' have also been provided to the MMO and are published on <https://www.gov.uk/government/collections/harbour-orders-public-register> with this Statement of Support. The report identified the benefits of managing the harbours collectively, including the harbours benefiting from economies of scale (savings in the region of 21% were identified between the five financial years 09/10 to 13/14), access to a reinvestment pot (reserve fund) suited to 'lumpy and occasional harbour capital needs', and access to higher level management expertise than individual harbours would be able to obtain on their own. In addition, it recommended obtaining a harbour order to provide for full ring fencing of harbour funds (providing strong safeguards for the future of the harbours) and modernised statutory harbour powers, including governance arrangements.

- 7.2 The report recommended a 'hybrid model' similar to Langstone Harbour to achieve its recommendations. However, the statutory arrangements in place at Langstone Harbour are very unusual (it is one of only three Trust Ports in England that are entitled to receive an annual contribution / precept from the local authority(ies) in whose area the Harbour is situated). The Department for Transport has confirmed that it would not support the creation of a new Statutory Harbour Authority on a similar basis. In addition, the model involves the creation of a Trust Port, which would, in effect, divest the Council of the harbours, which is not something the Council wishes to do. As such, the proposed HRO retains all seven statutory harbours as municipal ports, but otherwise seeks to achieve the benefits identified in the report through its provisions.
- 7.3 The proposed HRO would consolidate, modernise and extend the powers of the Council considered conducive to the efficient and economical operation, improvement, maintenance or management of the seven statutory harbours. In addition, it would clarify the harbour limits (including harbour premises), establish a general reserve fund for the harbours and require that all surplus harbour revenue to be applied to the general improvement of the undertaking. Some of the benefits of surplus funds being ring fenced for the benefit of the undertaking are highlighted in paragraph 4.19 of the Department for Transport's Ports Good Governance Guidance (March 2018).
- 7.4 The clarified harbour limits would be conducive to the efficient management of the harbours. In addition, the small amounts of additional land proposed to be included within the harbour limits are necessary for operational harbour purposes and in some cases will provide additional revenue to the harbour undertaking.
- 7.5 It is considered that it is desirable in the interests of securing the improvement, maintenance or management of the seven statutory harbours in an efficient and economical manner that the Council is provided with a set of modern flexible statutory powers contained within the proposed HRO and that the majority of current local statutory harbour legislation is repealed due to the fact that the relevant provisions are fragmented, complex, different in respect of each harbour and in some cases no longer fit for purpose.
- 7.6 The modernised and additional powers include powers reflective of those contained in modern HROs. Other HROs which contain some similar provisions include the Weymouth Harbour Revision Order 2021, the Fowey Harbour Revision Order 2021, the Dart Harbour and Navigation Order 2021, the Portland Harbour Revision Order 1997, the Poole Harbour Revision Order 2012, the Cowes Harbour Revision Order 2012 and the Dover Harbour Revision Order 2014. They include common types of statutory harbour powers, such as the power to borrow, powers to dispose of and develop land, powers associated with charges (including deposits and liens associated with charges) and miscellaneous powers including a power of general direction, a power to dredge, powers related to the removal of wrecks and other obstructions and various powers related to commercial activities.

7.7 An explanation of, and the need for, each substantive article in the HRO is set out below. Some examples of how the powers may be exercised are described below. These examples are not intended to be an exhaustive list of the ways in which the powers may lawfully be exercised.

7.8 Articles 1 and 2 in each respective order are not dealt with below since they are ancillary to the substantive provisions of the HRO.

A. ARTICLE 3: PRELIMINARY

7.9 Article 3 of the HRO – Incorporation of the Harbour Docks and Piers Clauses Act 1847

7.9.1 This article incorporates the Harbours Docks and Piers Clauses Act 1847 except in relation to the sections listed as being excepted. Those sections included predominantly relate to:

- a) Interpretation (sections 1-5).
- b) Rates (sections 27, 29 – 30, 32 and 33).
- c) Collection of rates (sections 34 – 41 and 43 - 46).
- d) Harbour, dock and pier master (sections 51 - 65).
- e) Discharge of cargoes and removal of goods (sections 66 and 68).
- f) Protection of the harbour, dock and pier (sections 69, 71 - 76).
- g) Power to erect lighthouses and lay down buoys, with the consent of Trinity House (section 77)
- h) Lighthouses, beacons and buoys (section 78).
- i) Harbour and dock police (sections 79 – 80).
- j) Meters and weighers (sections 81 – 82).
- k) Byelaws (sections 83 – 84).
- l) Recovery of damages and penalties (sections 94 – 95).
- m) Access to special Act (sections 97 – 98).
- n) Saving of rights (sections 99, 100, 102 and 103).

7.9.2 In respect of Prince of Wales Pier, section 33, the Open Port Duty, has not been incorporated. This is due to the fact that the Pier is of limited size and the Council only has jurisdiction as a harbour authority for 50 yards seaward of the Pier. In addition, there is unfortunately a small number of day trip vessels that use the Pier to embark and disembark passengers that do not comply with the regulations of the Council with respect to the management of their activities. The master's and operators of these vessel's attempt to argue that the Open Port Duty means that as long as they pay the relevant charges, they have a right to use the Pier irrespective of compliance with the other regulations of the Council. Whilst this is not correct, removal of the Open Port Duty will end this argument and ensure that only vessels which are operating in accordance with the regulations will be permitted by the Council to use the Pier.

B. Articles 4-13: Jurisdiction, Establishment and Constitution of the Board

7.10 Article 4 of the HRO and Schedule 1 – Harbours Jurisdiction

- 7.10.1 Article 4 provides that the Council shall exercise jurisdiction as a harbour authority, and the powers of the harbour master shall be exercisable within the harbour limits. The harbour limits for each of the statutory harbours are described in Schedule 1.
- 7.10.2 Due to the proposed repeal of the majority of current statutory harbour legislation it is important that the Council's jurisdiction as Statutory Harbour Authority is clearly set out in this Article. The description of each of the statutory harbours above explains why it is considered conducive to the efficient and economic management of the harbours to amend the harbour limits for each harbour as shown on the deposited plans. As such this information will not be repeated again here. See in particular:
- a) Port of Truro: paragraphs 3.1 to 3.6 and the five Truro Harbour Limits Plans
 - b) Bude Harbour: paragraphs 3.21 to 3.24 and the Bude Harbour Limits Plan
 - c) Newquay Harbour: paragraphs 3.17 to 3.20 and the Newquay Harbour Limits Plan
 - d) Penryn Harbour: paragraphs 3.7 to 3.11 and the Penryn Harbour Limits Plan
 - e) Penzance Harbour: paragraphs 3.12 to 3.16 and the Penzance Harbour Limits Plan
 - f) Prince of Wales Pier (Falmouth): paragraphs 3.28 to 3.31 and the Prince of Wales Pier (Falmouth) Harbour Limits Plan
 - g) St Ives Harbour: paragraphs 3.25 to 3.27 and the St Ives Harbour Limits Plan

7.11 **Article 5 of the HRO – General Functions**

- 7.11.1 This article provides that Council may take such steps as it may consider necessary or desirable from time to time for the operation, maintenance, management and improvement of the harbours, and their facilities.
- 7.11.2 For those purposes article 5 authorises the Council to improve maintain, regulate, manage, mark and light the harbours and provide harbour facilities; carry out various activities related to works, structures and equipment at the harbours (including the harbour premises) and do all other things which in its opinion are expedient to facilitate the proper operation, improvement or development of the harbours undertaking.
- 7.11.3 The definition of harbour facilities highlights the importance of the fishing, leisure, recreational and tourism industries to the future viability of the harbours.
- 7.11.4 Article 5 is authorised by paragraph 3 of Schedule 2 of the Harbours Act 1964: "Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision 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".
- 7.11.5 In respect of the majority of the harbours, the current local legislation relating to the harbours does not include a general statement of the Council's statutory functions. In addition, the majority of this legislation will be repealed under the provisions of the HRO and it is considered that in the interests of clarity it is desirable that the Council's powers to carry out the matters set out in article 5 should be set out expressly, rather than relying on implied powers.

7.12 **Article 6 to 12 of the HRO and Schedule 2 – Harbours Board**

7.12.1 These articles constitute the Cornwall Harbours Board and broadly reflect the current practices of the Council in respect to its well-regarded and established Harbours Board, with amendments to the current practices where required to reflect government guidance. They deal with establishment of the board, composition, terms of office, casual vacancies, disqualification and meetings. The role of the Board will be set out in a Memorandum of Understanding between the Board and the Council. The Memorandum will be approved and signed once the new Board has been constituted.

7.12.2 Article 7 of the proposed HRO accords with the Ports Good Governance Guidance, providing for the appointment of between 5 and 6 Council members and 5 and 6 independent external members, all with voting rights. In addition to these voting members, the Board will also have the power to co-opt up to 5 non-voting members on to the Board (article 8). Currently these positions are filled by the chairpersons of some of the key harbour stakeholder groups. It is intended that this will continue after determination of the proposed HRO application.

7.12.3 Articles 9-12, along with Schedule 2 of the Order, deal with terms of office, casual vacancies and disqualification or removal of Board members. Schedule 2 deals with incidental provisions such as meetings of the Board, the Chair and Vice Chairs' appointment and re-appointment, its meetings procedure, members' remuneration, its role and validity of acts of the Board. Similar provisions can be found in the Poole Harbour Revision Order 2012 and the Fowey Harbour Revision Order 2001; they accord with the requirements of the Ports Good Governance Guidance.

7.13 **Article 13 of the HRO – Advisory bodies**

7.13.1 This article covers the establishment of an external advisory body with an independent chairman. Importantly it also requires the Council to consult the advisory group on all matters substantially affecting the management, maintenance, improvement, conservation, protection or regulation of the harbours and their navigation.

C. Articles 14 – 18: FINANCES

7.14 The Fisher Report identified the benefits of having the revenue of the harbours being fully ringfenced and the holding of surpluses in a central reserve fund that each harbour could call upon when needed. The report identified that this system would be suitable to the 'lumpy and occasional capital needs' of ports and harbours. This recommendation is implemented by articles 14 to 18 of the HRO, which fully ringfence the revenue of the harbours (article 14) and establish a single central general reserve fund for the harbours (article 17).

7.15 Two of the harbours (Port of Truro and Port of Penryn) have current sizeable existing reserves. As part of the pre-application consultation and following concerns raised by Truro City Council and Penryn Town Council, it has been agreed to create separate reserve funds for each of these Ports (articles 15 and 16) with respect to their existing reserves. Indicative figures for the current level of reserves have been placed in the draft Harbour Revision Order, but these will need to be reviewed and confirmed at the time of determination of the application (the figure could increase or decrease during the application period).

7.16 These reserve funds will not be topped up following determination of the HRO (i.e. all future surpluses from these Ports will be placed into the general reserve fund established under article 17). However, in recognition of this and to prevent the individual reserve funds being depleted as a result of day to day expenditure (i.e. a slight shortfall in a year due to increased charging costs) the list of purposes for which the individual reserve funds can be applied are narrower than the general reserve fund. This means that the money can be saved and used on items that will really benefit each respective Port. Any day to day shortfalls will be paid from the central reserve fund established under article 17 in the same way as the other harbours. Both Truro City Council and Penryn Town Council have confirmed during the most recent pre-application consultation that their concerns have been addressed and they now support the proposed HRO.

7.17 **Article 14 of the Order – Application of finances**

7.17.1 This article provides that the Council shall apply the harbour revenue in a manner following and not otherwise- (a) first in payment of the working and establishment expenses and costs of maintenance of the harbours; (b) secondly in payment of the interest on any moneys borrowed by the Council for the harbours under any statutory borrowing power; (c) thirdly in payment of all other expenses properly chargeable to harbour revenue; (d) fourthly to an account established as a reserve fund for the harbours.

7.17.2 As stated above, some of the benefits of surplus funds being ring fenced for the benefit of the harbour undertaking are highlighted in paragraph 4.19 of the Department for Transport's newly published Ports Good Governance Guidance (March 2018).

7.17.3 Article 14 is authorised by paragraph 13 of Schedule 2 of the Harbours Act 1964:

“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”

7.18 **Article 15 of the Order – Establishment of a Port of Truro reserve fund**

7.18.1 This article provides that the Council may establish and maintain a separate reserve fund for the Port of Truro with respect to the existing Port of Truro reserves (circa £300,000). As explained above, this reflects the fact that there are currently good reserve funds established in respect of the Port of Truro and that following concerns raised by Truro City Council, it has been agreed to create separate reserve fund for the report in relation to its existing reserves. Indicative figures for the current level of reserves have been placed in the draft Harbour Revision Order, but these will need to be reviewed and confirmed at the time of determination of the application (the figure could increase or decrease during the application period).

7.18.2 This reserve fund will not be topped up following determination of the HRO (i.e. all future surpluses from this port will be placed into the general reserve fund established under article 17). However, in recognition of this and to prevent the individual reserve funds being depleted as a result of day to day expenditure (i.e. a slight shortfall in a year due to increased charging costs) the list of purposes for which the individual reserve fund can be applied are narrower than the general reserve fund. This means that the money can be saved and used on items that will really benefit the Port. Any day to day shortfalls will be paid from the central reserve fund established under article 17 in the same way as the other harbours. Truro City

Council has confirmed during the most recent preapplication consultation that its concerns have been addressed and it now supports the proposed HRO.

7.18.3 Article 15 is authorised by paragraph 13 of Schedule 2:

“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”

7.18.4 It is an essential part of prudent financial management that the Council should have the power to maintain reserve funds to enable the Council to plan for future expenditure.

7.19 Article 16 of the Order – Establishment of a Port of Penryn reserve fund

7.19.1 This article provides that the Council may establish and maintain a separate reserve fund for the Port of Penryn with respect to the existing Port of Penryn reserves (circa £500,000). As explained above, this reflects the fact that there are currently good reserve funds established in respect of the Port of Penryn and that following concerns raised by Penryn Town Council, it has been agreed to create separate reserve fund for the port in relation to its existing reserves. Indicative figures for the current level of reserves have been placed in the draft Harbour Revision Order, but these will need to be reviewed and confirmed at the time of determination of the application (the figure could increase or decrease during the application period).

7.19.2 This reserve fund will not be topped up following determination of the HRO (i.e. all future surpluses from this Port will be placed into the general reserve fund established under article 17). However, in recognition of this and to prevent the individual reserve funds being depleted as a result of day to day expenditure (i.e. a slight shortfall in a year due to increased charging costs) the list of purposes for which the individual reserve fund can be applied are narrower than the general reserve fund. This means that the money can be saved and used on items that will really benefit the Port. Any day to day shortfalls will be paid from the central reserve fund established under article 17 in the same way as the other harbours. Penryn Town Council has confirmed during the most recent preapplication consultation that its concerns have been addressed and it now supports the proposed HRO.

7.19.3 Article 16 is authorised by paragraph 13 of Schedule 2:

“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”

7.19.4 It is an essential part of prudent financial management that the Council should have the power to maintain reserve funds to enable the Council to plan for future expenditure.

7.20 Article 17 of the Order – Establishment of a general reserve fund

7.20.1 This article provides that the Council shall establish and maintain a general reserve fund for the harbours collectively and carry to such a fund any part of the harbours revenue as is available for the purpose.

7.20.2 Article 17 is authorised by paragraph 13 of Schedule 2:

“Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.”

7.20.3 It is an essential part of prudent financial management that the Council should have the power to maintain a general reserve fund to enable the Council to plan for future expenditure across the harbours in an economic and efficient manner.

7.21 Article 18 of the Order – Borrowing powers

7.21.1 This article provides that the Council may borrow such sums of money as it thinks necessary for the purpose of meeting its obligations in carrying out its functions and that it may secure such borrowing against their assets and/or revenues.

7.21.2 The article reflects modern statutory harbour borrowing powers as can be seen in the powers conferred by article 9 of the Dover Harbour Revision Order 2014.

7.21.3 There is no need to place a limit on the amount of money which can be borrowed by the Council, because, in reality their borrowings will be limited by the amount a lender is prepared to loan them. In addition, the unlimited borrowing power will avoid the requirement for an HRO at a future date to extend the borrowing powers as the value of money decreases as a result of inflation.

D. Articles 19 – 38: HARBOUR REGULATION

7.22 Article 19 of the Order – Aids to navigation

7.22.1 This article provides that the Council may, with the approval of Trinity House, erect, place, alter, discontinue or remove any aids to navigation in any place adjacent to the harbours (subject to obtaining the necessary interest in or over land). This power is important for enabling the Council to meet their navigational safety duties.

7.23 Article 20 of the Order – Repair of landing places, etc.

7.23.1 This article provides that the Council may by notice require the owner or occupier of any landing place, jetty, embankment or structure or other work in the harbours or on land immediately joining the waters of the harbours to repair it, within a reasonable time, to their reasonable satisfaction, if it is a danger to persons or vessels using the harbour or a hindrance to navigation of the harbour. The provision provides for a level 4 fine for non-compliance (on summary conviction) and a power for the Council to carry out the works and recover the cost from the person on whom the notice was served. There is right of appeal to the Secretary of State.

7.23.2 This power is important for assisting the Council in meeting its duties with regard to navigational safety and the safety of harbour users. Due to the potential safety implications of failure to comply, a level 4 fine is justified. Similar provisions can be found in article 11 of the Portland Harbour Revision Order 1997.

7.24 Articles 21 - 26 of the Order – Powers related to licensing of works and dredging within the Harbour (including offences, licensing and appeals).

7.24.1 These articles provide the Council with modern powers regarding works and dredging carried out by third parties within the harbour limits. The provisions include requirements to obtain a licence from the Council prior to the undertaking of any

works or dredging within the harbours. The provisions are important to enable the Council to comply with its duties related to navigational safety, the Open Port Duty and in respect of the environment (in particular s48A 1964 Act). The provisions ensure that the Council will be aware of all works and dredging taking place in the harbours and that it can require suitable safeguards to be put in place when they are being conducted. As such the level 4 fine in article 21 and the level 3 fines in articles 22 and 26 for breach are considered appropriate and proportionate. In addition, where works are carried out without or in breach of the terms of a licence the Council may require the works to be removed and the site restored to its former condition, and if they / it is not, to do so itself and recover the cost from the person liable.

7.24.2 Applications are made in writing and the Council may charge a reasonable in respect of its administrative expenses for dealing with the application.

7.24.3 Similar provisions can be found in articles 8-10 of the Watchet Harbour Revision Order 2000 and article 7 of the Port of Tyne Harbour Revision Order 2001.

7.25 Article 27 of the Order – Parking places and related facilities

7.25.1 This article provides that the Council may provide parking spaces and connected works within the harbours. This power has been expressly included because a number of the harbours contain car parks which form part of the undertaking. Similar provisions can be found in article 20 Penzance Harbour Revision Order 2009.

7.26 Article 28 of the Order – Removal of vehicles and vessels

7.26.1 This article authorises the Council to remove vehicles and vessels from the harbours that have been left in a place where they will or are likely to interfere with the use of the harbours or in any part of the harbours where parking is prohibited. This power is important in assisting the Council in managing efficiently traffic within the harbours and ensuring compliance with the Open Port Duty. Similar provisions can be found in article 22 Folkestone Harbour Revision Order 2017 and article 21 Penzance Harbour Revision Order 2009.

7.27 Article 29 of the Order – Byelaws

7.27.1 This article provides the Council with the power to make byelaws in a range of circumstances in addition to the purposes in s83 of the Harbour, Docks and Piers Clauses Act 1847 and is in line with the modern practice of setting out a wide range of matters upon which the Council will have the power to make byelaws.

7.27.2 The alternative practice is to set out a more general range of byelaw making powers and rely on the width of the wording of the provision to cover the full range of matters set out in Article 29. However, setting out the detail in this way reduces the scope for challenging any prosecution on the basis that the byelaw in question is outside the range of matters for which the Statutory Harbour Authority has the power to make byelaws. This leads to increased costs and delays in prosecutions and therefore the more modern approach is to set out expressly a wider range of byelaw making powers.

7.27.3 A similar approach can be found in article 15 of the Portland Harbour Revision Order 1997.

7.27.4 Historically, there has been little need to initiate any prosecutions at the harbours for breach of byelaws as harbour users have complied with the instructions of the harbour masters. Nevertheless, to comply with the Port Marine Safety Code

(PMSC) and to meet its other duties (including navigational safety), it is important that the Council have modern and comprehensive byelaw making powers. It is anticipated that the current byelaws in place at the harbours will be reviewed and it is likely that they will be repealed and replaced with General Directions following grant of the HRO. However, it is important that the Council retains wide byelaw making powers in case it needs to introduce new byelaws in the future in respect of a risk not covered by the modernised power of General Direction sought below.

7.28 Article 30 of the Order – Confirmation of byelaws

7.28.1 This article sets out the procedure by which byelaws made under the HRO shall be confirmed under the Local Government Act 1972. A similar provision can be found in article 25 of the Folkestone Harbour Revision Order 2017.

7.29 Articles 31 to 37 of the Order – Powers of General Direction and Special Direction

7.29.1 These articles provide the Council with a power of General Direction and extended powers of Special Direction. They also set out the consequences of failing to comply with a General or Special Direction.

7.29.2 The Council considers it necessary to obtain powers of general direction. Such powers are well now relatively common in harbour legislation and similar powers have been granted in the Shoreham Harbour Order 2021, the Fowey Harbour Order 2021, the Dart Harbour and Navigation Order 2021,.

7.29.3 To assist in the management of the harbours' compliance with the PMSC, the Council is seeking an extended and modernised power to issue general directions (covering vessels, persons and vehicles), and to update the harbour master's powers to issue special directions, as recommended by the Code. The extension to the standard power of General Direction will mean that in future, the Council will be able to repeal its existing byelaws and instead have a single set of General Directions covering each harbour .

7.29.4 The Council has decided to adopt an adjudication process, and the process contained in article 32 is likely to be acceptable to the Royal Yachting Association as a similar adjudication process is contained within the 2021 Orders referred to above.

7.29.5 In terms of the precise scope of general directions, it will be seen that article 32(1) would allow the Council to give or amend directions "...for the ease, convenience or safety of navigation; the safety of persons; the protection of property, flora or fauna; or the ease, convenience or safety of harbour operations ashore within the harbours". Such a scope is consistent with the environmental duties placed on harbour authorities by virtue of section 48A of the 1964 Act and paragraph 16A of Schedule 2 to that Act, which enables a harbour revision order to confer powers for environmental conservation within the harbour. Once granted the power of General Direction will be able to be exercised over all land within the harbour limits, including the additional areas of land being incorporated under the HRO.

7.30 Article 38 of the Order – Saving for existing directions, byelaws etc.

7.30.1 Due to the proposed repeal of the majority of the local legislation currently in force in respect of the harbours, it is necessary to include a saving provision for existing byelaws etc. They will then remain in force until replaced in the future.

E. Articles 39 - 49: CHARGES

7.31 The articles contained within Part 5 of the HRO (Charges) set out the Council's powers with respect to charges it may levy. They are reflective of modern statutory harbour powers relating to charges and conducive to the improvement, maintenance or management of the harbour in an efficient and economical manner. A similar suite of powers conferred by articles 39 – 49 (excluding 41) has been conferred in the Weymouth Harbour Revision Order 2021 and the Poole Harbour Revision Order 2012.

7.32 Article 39 of the Order – Charges other than ship, passenger and goods dues

7.32.1 This article provides that in addition to ship, passenger and goods dues under section 26 1964 Act, the Council may demand, take and recover reasonable charges in respect of all vessels. It also states that charges may be made in respect of a variety of other floating platforms etc. so that no dispute will arise as to whether such structures fall within the definition of vessel contained within the Order. In addition, it expressly includes chain ferries within the scope of the provision. This means that in the future the Council would be able to impose a reasonable charge in respect of the chain ferry operating within the Port of Truro. The operator of the chain ferry has expressed concerns about this provision.

7.32.2 However, it is important to future viability that all users of the harbours contribute to the cost of the management and maintenance of the harbours. In addition, the presence of the chain ferry has an impact on the Council's navigational safety duties. It is considered that it would be detrimental to the improvement, maintenance or management of the harbours in an efficient and economical manner if charging powers did not exist in respect of one type of vessel or floating structure using the harbour (exemptions are provided in Article 47). This provision is particularly important because the Order provides for the existing charging provisions in current local statutory harbour legislation to be repealed.

7.33 Article 40 of the Order – Charges for services or facilities

7.33.1 This article provides that in addition to ship, passenger and goods dues under section 26 of the 1964 Act, the Council may demand, take and recover reasonable charges for services and facilities provided by it.

7.34 Article 41 of the Order – Setting of Charges

7.34.1 This article requires that the Council's rationale behind the setting of charges must be underpinned by regard for overall viability of the harbours as a whole, but also imposes a corresponding duty on the Council to try and raise sufficient revenue at each harbour to meet its outgoings, therefore ensuring that in respect of each individual harbour there is also a duty to ensure (so far as reasonably practicable) viability.

7.34.2 With the additional areas of income generating land being incorporated within the harbour limits of Bude Harbour, Penzance Harbour and Prince of Wales Pier and the achievement of the economies of scale gained from managing the harbours centrally under one harbour order, it is expected that each individual harbour will be able to operate viably.

7.35 Article 42 of the Order – Payment of charges

7.35.1 This article provides that charges are payable before the vessel or goods against which they are payable are removed from the harbours or harbour premises, and that if payment is not made by the time it falls due, that the Council may refuse entry to the harbours to the vessel or goods (and any other vessels or goods owned by the owner or master) until such time as the charges have been paid. It also sets out who charges are payable by and who they can be recovered from and when.

7.36 Article 43 of the Order – Compounding arrangements and rebates

7.36.1 This article provides the Council with a power to confer exemptions from dues, allow rebates or make compositions with any person with respect to charges. In addition, it provides that the Council does not have to include on its list of ship, passenger and goods dues kept at the harbour office, charges which have been reduced by a rebate or a compounding arrangement in respect of a due included on the list.

7.37 Article 44 of the Order – Deposit for charges

7.37.1 This article provides that the Council may require from a person who incurs or is about to incur a charge with them, a reasonable deposit or guarantee. It also provides the Council with the power to detain a relevant vessel or goods until the deposit has been paid or the required guarantee made.

7.38 Article 45 of the Order – Liens for charges

7.38.1 This article provides for a right of lien over goods in the possession or custody respectively of a person collecting charges on behalf of the Council or, a wharfinger (owner or manager of a wharf) or carrier (a business or person that is legally entitled to transport goods), who has paid or given security for charges on those goods.

7.39 Article 46 of the Order – Refusal to pay charges for landing place

7.39.1 This article provides that a vessel may be prevented from using a landing place supplied by the Council, if the master of the vessel refuses to pay the related charges.

7.40 Article 47 of the Order – Exemptions from harbour dues

7.40.1 This article is similar to other modern provisions providing for an exemption for harbour dues for certain vessels, persons and government departments (or their current equivalent) whilst in the exercise of their core duties.

7.41 Article 48 of the Order – Recovery of charges

7.41.1 This article provides that in addition to any other powers of recovery available to it, the Council may recover any charges payable to it as a debt in Court.

7.42 Article 49 of the Order – Harbour master may prevent sailing of vessels

7.42.1 This article provides that the Harbour Master may prevent the removal or sailing from the harbour of any vessel until evidence is produced that any charges payable in respect of the vessel, its passengers or goods have been paid.

F. Articles 50 – 68: MISCELLANEOUS AND GENERAL

7.43 Article 50 of the Order – Power to dredge

7.43.1 This article provides the Council with a power to dredge. The power to dredge is a standard statutory harbour power and under the local acts applying to it the Council already has the power to dredge with respect to the seven statutory harbours.

7.43.2 Dredging is required at the Port of Truro, Port of Penryn, Penzance Harbour and Bude Harbour (clearance around the lock gate) on a regular basis. It is anticipated that this will continue in the future. It is therefore important that the Council is provided with the power so that they can continue to dredge if and when required.

7.43.3 If dredging is carried out at the harbours under the provision in the future, then in line with section 75 of the Marine and Coastal Access Act 2009, the Council will not need to obtain a marine licence for the dredging activity. However, if disposal to sea is required in the future then a marine licence will be required for this disposal.

7.44 Articles 51 to 53 of the Order – Moorings

7.44.1 These articles provide the Council with powers related to the provision, maintenance and licensing of moorings within the harbours. The Council already grants moorings licences in respect of moorings within the harbours (apart from Prince of Wales Pier) as an important part of its management. However, it is considered that modernised express provisions are conducive to the efficient and economical management and maintenance of the harbours. An administrative fee will be charged for a mooring licence (the Council already charges such fees) and those with existing moorings will also require a licence (again the majority of existing moorings, apart from a small number on the River Fal and Prince of Wales Pier where there are no moorings within the Council's jurisdictional area in any event).

7.44.2 Similar provisions are found within articles 14-17 of The Yarmouth (Isle of Wight) Harbour Revision Order 2011, articles 9-11 of The Poole Harbour Revision Order 2012, article 18 of The Watchet Harbour Revision Order 2000 and article 21 of The Burry Harbour Revision Order 2000.

7.44.3 The article provides for a level 3 fine for failure to comply with its requirements. This level of fine is required firstly to ensure that there is a sufficient level of deterrent (moorings in the harbours are sought after and can be used to generate income. The level of fine needs to be in excess of likely income generation) and secondly, a mooring obstructing safe navigation in the harbours will constitute a navigational hazard and can interfere with the operation of the Open Port Duty. As such it is considered that a level 3 fine is justified.

7.45 Article 54 of the Order – Development of Land

7.45.1 This article provides that the Council may use or develop for any purpose, and deal with, any land within or in the vicinity of the harbours; or form invest in and promote, or join with another person in forming, investing in and promoting a company for using or developing for any purpose, and dealing with, any land within or in the vicinity of the harbours.

7.45.2 Article 54(2) provides that a company established under paragraph 54 (1)(b) may have powers to do anything necessary for the purposes of the objects for which it has been established notwithstanding that the Council would not itself have the power to do that thing.

7.45.3 Article 54, as far as applying to land not required for the harbour, is authorised by paragraph 9A of Schedule 2 of the 1964 Act: "Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land". So far as relating to harbour land, it is considered that article 54 is authorised by paragraph 17 of Schedule 2 which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour. The case for this is set out below as an integral justification for article 54.

- 7.45.4 The purpose of article 54 is to give the Council the flexibility, subject to obtaining the necessary rights in or over land, to exploit opportunities to develop land (including harbour land) to maximise the efficient utilisation, expansion and regeneration of the harbours. The profits and revenues derived by the harbour undertaking from the development of any land under article 54 would be used to improve and develop the harbours and provide increased financial security.
- 7.45.5 It should be noted that the powers in article 54 can only be exercised if "it conduces to the improvement, maintenance or management of the harbour in an efficient and economical manner". This limitation brings article 54 within the powers of section 14(2)(b) of the 1964 Act.
- 7.45.6 Similar powers to those in article 54 were conferred in the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012 the Dover Harbour Revision Order 2014.

7.46 Article 55 of the Order - Powers to grant tenancies and to dispose of land

- 7.46.1 Article 55(1) gives power to the Council, for the purposes of or in connection with the carrying on of the undertaking, to grant leases and other rights or interests over their land or other property forming part of the harbour.
- 7.46.2 Article 55(2) provides that the Council may also dispose of, or grant the use or occupation for any purpose of, land or property if they consider that the property is surplus to harbour requirements; or it would conduce to the improvement, maintenance or management of the harbour in an efficient and economical manner for the property to be held by a person other than the Council.
- 7.46.3 Article 55(1), which is needed to manage the harbour, is authorised by paragraph 3(a) of Schedule 2 of the 1964 Act which relates to powers conferred for the purposes of "improving maintaining or managing the harbour."
- 7.46.4 Article 55(2)(a) is authorised by paragraph 9 of Schedule 2: "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."
- 7.46.5 It is considered that Article 55(2)(b) is authorised by paragraph 17 of Schedule 2 which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour. The case for this is set out as an integral part of the need for article 55. Article 55(1) and 55(2)(a) are needed to enable the Council to manage the Harbour undertaking effectively.
- 7.46.6 These powers are similar to the powers conferred by the Weymouth Harbour Revision Order 2021, the Poole Harbour Revision Order 2012 and the Dover Harbour Revision Order 2014. Article 55(2)(b) would enable the Council to grant leases or transfer land or property to a subsidiary or other body. This power is needed to enable the Council to have sufficient flexibility in how to structure the harbour undertaking in the future. The power in article 55(2)(b) is only exercisable if "it would conduce to the improvement, maintenance or management of the harbour in an efficient and economical manner". This limitation brings article 55(2)(b) within the powers of section 14(2)(b) of the 1964 Act.

7.47 Article 56 of the Order – Power to appropriate lands and works for particular uses, etc.

- 7.47.1 This article provides that the Council may from time to time for the purpose of or in connection with the management of the harbours set apart and appropriate any part

of the harbours vested in, occupied or administered by the Council as part of the harbours undertaking for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or class of vessels, or goods, subject to the payment of such charges and subject to such terms, conditions and regulations as the Council may think fit.

7.47.2 This means that the Council is able to dedicate parts of the harbours for use by specific trades (e.g. fishing) or customers or to give a ship priority over a certain berth etc.

7.47.3 56(2)(b) provides that the harbour master's powers contained in section 58 (Powers of harbour master as to mooring of vessels in harbour) of the Act of 1847 shall extend and apply with the necessary modifications in relation to any vessels which use of any part of the harbours so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Council. 'Necessary modifications' means the modifications to section 58 of the Act of 1847 required to make it make sense in the context of its application to article 56.

7.47.4 The power contained in the article 56 is important to the safe and efficient management of the harbours. Similar powers are contained in the Weymouth Harbour Revision Order 2021.

7.48 Article 57 of the Order – Other commercial activities

7.48.1 Article 57(1)(a) provides that the Council may carry on at any place a trade or business of any kind including a trade or business carried on in conjunction with another person. Article 57(1)(b) enables the Council to form, invest in and promote, or join with another person in forming, investing in and promoting, a company for carrying on any part of the undertaking or carrying on at any place a trade or business of any kind. Article 57(2) provides that a company established under paragraph 57(1)(b) may have powers to do anything necessary or expedient for the purposes of the objects for which it has been established notwithstanding that the Council would not itself (as harbour authority) have the power to do that thing.

7.48.2 It is considered that article 57 is authorised by paragraph 17 of Schedule 2 1964 Act which enables a provision to be included in a Harbour Revision Order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbours. The case for this is set out below as an integral part of the need for article 57.

7.48.3 Article 57(1)(a) would assist the Council to maximise the potential of the undertaking by enabling them to carry on any business which could conveniently be carried on with the harbour undertaking. For example, the Council could utilise and develop the skill and experience of its staff by providing services to other harbour undertakings or to carry out business activities which are incidental to running a harbour.

7.48.4 Article 57(1)(b) would enable the Council to carry on such a business as part of a joint venture with another person or persons, for example enabling the Council to contribute land and/or harbour related expertise to the venture while the other party contributes complementary specialist business expertise.

7.48.5 The profits and revenues derived from the business ventures under article 57 would be used to improve and develop the harbours and ensure increased financial security.

7.48.6 It should be noted that the powers in article 57 can only be exercised if "it conduces to the improvement, maintenance or management of the harbours in an efficient

and economical manner". This limitation brings article 57 within the powers of section 14(2)(b) of the 1964 Act (set out in paragraph 5.2 above).

7.48.7 Similar powers are contained in the Dover Harbour Revision Order 2014.

7.48.8 It is considered that Article 57 is authorised by paragraph 17 of Schedule 2 of the 1964 Act which enables a provision to be included in a harbour revision order if the object of the provision appears to the MMO to be one the achievement of which will conduce to the efficient functioning of the harbour. The case for this is set out as an integral part of the justification for article.

7.49 **Article 58 of the Order – Power to delegate functions**

7.49.1 This article provides that the Council may delegate the performance of any of their functions to be carried out by any such company as referred to in article 57(1)(b).

7.49.2 Article 58 is authorised by paragraph 9B of Schedule 2: "Empowering the authority to delegate the performance of any 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 ships, 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 seamarks, so far as those functions are exercisable for the purposes of the safety of navigation."

7.49.3 The power to delegate functions is needed to enable the Council to carry out day to day activities through a subsidiary or joint venture company. The power does not apply to the key functions which cannot be delegated under paragraph 9B of Schedule 2 to the 1964 Act.

7.50 **Article 59 of the Order – Bunkering**

7.50.1 This article provides the Council with powers in relation to licensing those persons carrying out commercial refuelling activities related to vessels in the harbour. A fee is payable for the any such licence and it is valid for one year. To comply with the environmental duties contained in s48A of the Harbours Act 1964, the Council considers that it is important that it has express powers to licence such activities so that proper risk assessments can be carried out and persons carrying out such activities can be required to comply with terms and conditions, designed to mitigate against risks associated with such activities (including environmental). Due to the fact that such operations are being carried out commercially and the potential environmental implications it is considered that a level 4 fine is justified.

7.51 **Article 60 of the Order – Power with respect to disposal of wrecks**

7.51.1 This article extends the powers of the Council under section 252 to the Merchant Shipping Act 1995. In particular it extends the circumstance in which the Council may recover expenses reasonably incurred by them in exercising said power from the owner of any such vessel. The provision includes notice requirements to the owner of the vessel and a period in which the vessel owner may dispose of the vessel itself.

7.51.2 This extension of the power in section 252 to the Merchant Shipping Act is common and important if the harbours are to be run in an efficient and economic manner. Similar provisions can be found in of the Weymouth Harbour Revision Order and the Portland Harbour Revision Order 1997.

7.52 **Article 61 of the Order – Power to deal with unserviceable vessels**

7.52.1 This article provides that the Council may sell, break up or otherwise dispose of any vessel which is unserviceable and had been laid by or neglected in the harbours or on land immediately adjoining the harbours. The provision includes notice requirements to the owner of the vessel.

7.52.2 The Council may sell the vessel to recover expenses reasonably incurred by them in exercising said power and if the proceeds of sale are not sufficient, to recover the expenses from the owner of any such vessel.

7.53 Article 62 of the Order – Removal of obstructions other than vessels

7.53.1 This article provides that the Council may remove anything other than a vessel which is causing or likely to become an obstruction to, or cause interference with navigation in any part of the harbours or their approaches.

7.53.2 The provision deals with the recovery of costs by the Council of reasonable expenses incurred by them in relation to the exercise of the power and sale of the item(s) recovered. The provision includes notice requirements. Where the Council disposes of property the Council must display a notice in the relevant harbour office and on its harbours website for a period of 28 days and if there is any surplus proceeds pay it to Owner if claimed within 24 months.

7.53.3 This power is important in assisting the Council in meeting its duties with regard to navigational safety and the safety of harbour users, and important if the harbours are to be run in an efficient and economic manner. Similar provisions can be found in article 8 of the Portland Harbour Revision Order 1997.

7.54 Article 63 of the Order – Boarding of vessels

7.54.1 This article provides that a duly authorised officer of the Council may, on producing if so required his authority, enter and inspect a vessel in the harbour for the purposes of any enactment relating to the harbour (including any enactment so relating contained in subordinate legislation) or of any byelaw or general direction of the Council relating to the harbour, including the enforcement of any such enactment, byelaw or general direction.

7.55 Article 64 of the Order – Notices

7.55.1 This article has been included at the request of the Marine Management Organisation. It sets out how notices are served under the Order.

7.56 Article 65 of the Order – Saving for Trinity House

7.56.1 This article provides the standard saving provision for the rights of Trinity House.

7.57 Article 66 of the Order – Crown rights

7.57.1 This article provides the standard saving provision for Crown Rights.

7.58 Article 67 of the Order – Amendments

7.58.1 This article provides for the amendment of 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. The amendments are necessary to complete the process of modernisation of the Council's powers as a Statutory Harbour Authority in conjunction with the provisions of the HRO and the revocations contained in Article 68 and Schedule 4 of the HRO.

7.59 Article 68 of the Order – Repeals / Revocation

7.59.1 This article provides for the repeal / revocation of the local legislation listed in Schedule 4 from the date of the HRO. These Acts and Orders (in so far as they are revoked) either are or will become obsolete once the HRO is fully in force.

8. COMPLIANCE WITH UK MARINE POLICY STATEMENT AND DRAFT SOUTH WEST MARINE PLAN

8.1. The harbours are situated within the South West Marine Plan inshore area. The South West Inshore and South West Offshore Marine Plan is considered in this Statement of Support in addition to the UK Marine Policy Statement.

8.2. The proposed HRO is a non-works HRO (i.e. it does not authorise a plan or project). Its provisions are focused on modernising the Council's existing statutory powers to support the efficient and economical operation, maintenance, management and improvement of the harbours. As part of the modernisation the majority of the existing local harbour legislation relating to the harbours is being repealed, as such a number of the provisions in the HRO replace (in modern form) already existing powers of the Council. The modernisation also relates to the Council's enforcement activities and amends the process by which such enforcement provisions can be made, amended and repealed (General Directions instead of byelaws).

8.3. The proposed HRO also clearly defines the harbours limits for each harbour by reference to the plans submitted with the HRO. Other provisions of the proposed HRO are predominantly administrative (updating the constitutional provisions, charging powers, licensing etc. As such, it is expected that the effects of the proposed HRO on the South West inshore Marine Plan area are considered to be very limited and that any effects will be positive as the proposed HRO supports the economic and efficient management of the harbours (including with respect to environmental considerations). A brief summary of compliance is nevertheless set out below.

8.4. Compliance with UK Marine Policy Statement

8.4.1. The UK Marine Policy Statement ('MPS') sets out (in section 2.1) that the UK vision for the marine environment is for '*clean, healthy, safe, productive and biologically diverse oceans and seas.*' The core purpose of the proposed HRO is to modernise the Council's statutory powers enabling the Council to manage its harbours efficiently and economically. The provisions relating to enforcement and licensing will support the Council in ensuring it meets both its environmental duties under s48A of the Harbours Act 1964 and compliance with the Port Marine Safety Code. Both of which will support the vision of ensuring that the marine environment in and around the harbours is kept '*clean, healthy, safe, productive and biologically diverse.*' The provisions of the proposed HRO also support the following high-level objectives contained in the MPS:

- (a) **Achieving a sustainable marine economy:** Marine businesses are acting in a way which respects environmental limits and is socially responsible.
- (b) **Ensuring a strong, healthy and just society:** The coast, seas, oceans and their resources are safe to use.
- (c) **Living within environmental limits:** Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
- (d) **Promoting Good Governance:** Marine businesses are subject to clear, timely,

proportionate and, where appropriate, plan-led regulation.

8.5. Compliance with the South West Inshore and South West Offshore Marine Plan

8.5.1. The South West Inshore and South West Offshore Marine Plan ('SW Marine Plan') is a material consideration. Through its modernisation of the Council's statutory powers, the proposed HRO will support the following objectives contained in the SW Marine Plan:

- (a) **Achieving a sustainable marine economy:** Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently.

As set out in the Fisher Report, the proposed HRO will enable the Council to manage its harbours more economically and efficiently. If the HRO is granted, they will all be managed under substantially the same, modern statutory provisions, ensuring operational efficiency and more effective risk management.

- (b) **Ensuring a strong, healthy and just society:** The coast, seas, oceans and their resources are safe to use.

The proposed HRO contains modernised and extended powers to manage the harbours, including powers of general direction. These will help the Council in managing the coast and seas within the harbours so that they are safe to use.

- (c) **Living within environmental limits:** Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.

The modern powers within the proposed HRO also assist the Council in managing the harbours to protect and conserve biodiversity, for example through the works, dredging and moorings licensing powers. In addition the powers of general direction which provide that general directions may be made for *'the protection of property, flora or fauna'*.

8.5.2. In addition, the proposed HRO is supported by policy SW-PS-1, which expressly supports competitive and efficient port and shipping operations, recognising that *"Ports and harbours are essential to realising economic and social benefits for the south west marine plan areas and the UK. SW-PS-1 makes sure proposals do not restrict current port and harbour activity or future growth, enabling long-term strategic decisions, and supporting competitive and efficient port and shipping operations."*

8.5.3. We are not aware of any marine planning policies that the proposed HRO does not accord with.

9. CONCLUSION

9.2. In addition to the specific provisions of Schedule 2 to the 1964 Act, paragraph 17 of Schedule 2 provides that a Harbour Revision Order may include provision for:

"Any object which, though not falling within any of the foregoing paragraphs, appears to the [MMO] to be one the achievement of which will conduce to the efficient functioning of the harbour."

- 9.3. For the reasons mentioned above, it is considered that to the extent that any provision contained in the HRO does not fall specifically within any other paragraph of Schedule 2, the provisions of the HRO would be conducive to the efficient functioning of the harbours and it is therefore within the scope of the 1964 Act for them to be included in the HRO.

Dated 14 September 2020 (updated August 2021)

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Solicitors on behalf of Cornwall Council.

Annex 1: List of Local Harbour Legislation submitted with the proposed HRO

Bude

1. An Act for making a navigable Cut or Canal, from the Port or Harbour of Bude, in the Hundred of Stratton, in the County of Cornwall, to the River Tamer, in the Parish of Calstocke, the said County 1768
2. An Act for improving the Harbour of Bude, in the County of Cornwall; and for making and maintaining a Navigable Canal from the said Harbour of Bude to or near the Village of Thornbury, in the County of Devon, and divers Branches therefrom, all in the said Counties of Cornwall and Devon, 1819
3. Stratton and Bude Improvement Act 1901
4. Pier and Harbour Orders Confirmation (No 2) Act, 1903

Falmouth (Prince of Wales Pier)

1. Falmouth Piers Order 1878
2. Falmouth Corporation Quays Order 1902
3. Falmouth Piers Order 1952

Newquay

1. An Act for maintaining the Pier and Harbour of Newquay in the County of Cornwall 1838
2. An Act to amend an Act for maintaining the Pier and Harbour of Newquay in the County of Cornwall, and to make certain Tram Roads in connection therewith 1844
3. Newquay Urban District Council Act 1967

Penryn

1. The Penryn Harbour Order, 1870 (article 28)
2. The Penryn Harbour Improvement Order 1900
3. The Penryn Harbour Order 1920

Penzance

1. The Penzance Corporation Act 1883
2. Penzance and Newlyn (Pilotage) Harbour Revision Order 1988
3. Penzance Albert Pier Extension Act 1990
4. Penzance South Pier Extension Act 1990
5. The Penzance Harbour Revision Order 2009

St Ives

1. The Saint Ives Harbour Act 1853
2. The Saint Ives Harbour Order 1862
3. The Saint Ives Harbour Order 1886
4. The Saint Ives Harbour Order 1888
5. St. Ives Harbour Revision Order 1980
6. The St Ives (Pilotage) Harbour Revision Order 1988
7. The St. Ives Harbour Revision Order 1993

Truro

1. The Truro Harbour Order 1883
2. The Truro Harbour Order 1903
3. The Truro Harbour Order 1909
4. The Truro Harbour Order 1920
5. The Truro Harbour Order 1928

Annex 2: List of Assets at each Harbour

Truro

Port of Truro including:

- Fundus and Foreshore (including all leases within)
- Worth's Quay
- Town Quay including Car Park
- Lighterage Quay with all Buildings and Compounds
- Roundabout Site at Newham
- Harbour Office, Offices, Stores and Compound
- Weighbridge Office, Town Quay
- Workshop and Compound, Newham
- Office Block, Newham
- Malpas Marine and House
- Floating Plant and Pontoons
- Pontoon and Landing Stage at Trelissick
- Pontoon and Landing Stage at Boscawen Park
- Slipways at Boscawen Park, Sunny Corner and Malpas
- Lay-up Moorings, River Fal
- Buoys, Beacons, Navigation Lights, Moorings and Signage

Penryn

Port of Penryn including:

- Fundus and Foreshore (including all leases within)
- Exchequer Quay including Pontoons and Landing Stage
- Exchequer Quay Car Park
- Public Conveniences
- Harbour Office, Compound and Workshop
- Ex-Dockers Hut
- Church Beach Slipway
- Church Beach Dinghy Park
- Ponsharden Pontoons
- Public Pontoon
- Buoys, Beacons, Navigation Lights, Moorings and Signage

Newquay

Newquay Harbour including:

- North Quay
- South Quay
- Central Island (The Jetty)
- Harbour Office and Workshop
- Freezer Room and Bait Store
- Treffry Building
- Slipway
- Booking Kiosks

- Harbour Car Park
- Active Cellars, Stores and car park
- Fly Cellars and Shelter
- Newquay Rowing Club
- Newquay Sailing Club and Storage areas
- RNLI Building
- Fly Cellars including Shelter and Promenade
- Public Conveniences
- The Tunnel
- Mooring Chains
- Cranes
- Buoys, Beacons, Navigation Lights, Moorings and Signage

St Ives

St Ives Harbour including:

- Smeaton's Pier including two Lighthouses
- Harbour Office
- Car Park
- Fisheries Building including Stores, Fuel Store, Ice making and Storage Room
- Harbour Masters Store (Porthgwidden)
- West Pier
- New Pier and Groyne
- Sloop Slipway
- Wharf Steps
- Small slipway adjacent to RNLI slipway
- Beach and Foreshore
- The Wharf including slipway
- Cranes
- Buoys, Beacons, Navigation Lights, Moorings and Signage

Penzance

Penzance Harbour including:

- South Pier including Colonnade Building, Former Gas House and Ticket Office
- Lighthouse Pier with Lighthouse
- Wet Dock and Gate
- West Pier with Meadery, Sheds 1 (Boston Shed), 2, 3 & 4, Ballast Plots
- Former Harbour Masters Office
- North Arm with Rank Building
- Harbour Office, Toilets and Showers
- Buccaneer Shell Shop
- Dockers Rest Café
- Old Smithy
- Shell Shop Slipway
- Abbey Slip and Basin
- Part Wharfside Car Park and Sailing Club Pen
- Zennor Gig Club
- Albert Pier with Penzance Sailing Club and Pens, Sheds 3, 4 and 5, Penwith

- College/Canoe Club,
- Penwith College Building, The Old Mortuary, Former Engine Shed A and B and the Old Ammunition Store.
- Albert Pier Pontoons
- Albert Pier Slipway
- Buoys, Beacons, Navigation Lights, Moorings and Signage

Bude

Bude Harbour including:

- Breakwater
- Budehaven Moorings Area
- Old Lifeboat House
- Slipway
- Navigation marks and light
- Inner Harbour
- Wharfside Car Park
- Sea Lock and Gates
- Boat Hire Building and Parking spaces
- The Wharf

Prince of Wales Pier

- The Pier including Solid and Suspended Sections
- Landing Steps
- Prince of Wales Pier Approach (Market Strand)
- Café
- Gift Shop
- Visitor Information Centre
- Booking Kiosks
- Pier Masters Kiosk
- Navigation Lights
- Flagpoles and Signage

PROPOSED CORNWALL HARBOURS
HARBOUR REVISION ORDER 20[X]

STATEMENT IN SUPPORT OF APPLICATION

FOR ORDER BY:

CORNWALL COUNCIL

ashfords

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