



Rob Lewis  
(by email only)

Our reference: DC9983

25 July 2023

Dear Mr Lewis,

### **Application for the proposed Port of Swansea (Tidal Lagoon) Harbour Revision Order**

1. An application was received by the Marine Management Organisation (“MMO”) for the proposed Port of Swansea (Tidal Lagoon) Harbour Revision Order (“proposed order”) on 30 November 2015. The application was made jointly by Tidal Lagoon (Swansea Bay) plc and Associated British Ports (“ABP”).

#### **MMO consideration**

2. We received your email of 21 December 2022 which confirmed that ABP have no further interest as co-proposer of the application for the proposed order. We consider that the practical effect of your email is that the application for the proposed order is withdrawn, because ABP as the harbour authority no longer supports the application. As such the application cannot be considered as being necessary for the improvement, maintenance or management of the harbour in accordance with s.14(2) of the Harbours Act 1964.
3. The MMO wrote to you on 28 June 2023 to explain our position and stated that unless we heard anything to the contrary from you by 4 p.m. on Wednesday 12 July 2023 we would consider the application as withdrawn and conclude this matter.

#### **MMO decision**


4. No further response has been received from ABP in regard to this matter.
5. By virtue of section 14(2)(b) of the Harbours Act 1964, a Harbour Revision Order shall not be made in relation to a harbour unless the MMO is satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

6. The MMO considers that as ABP as harbour authority no longer support this application, the order is not desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships, and cannot be made. The MMO has therefore decided not to make the order applied for.

### Challenges to decisions

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

Yours sincerely,



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## Annex I

### Right to challenge decisions

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

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

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

