

HARBOURS ACT 1964 (AS AMENDED)

PROPOSED FOLKESTONE HARBOUR REVISION ORDER (AMENDMENT) ORDER 202X

NOTICE OF APPLICATION FOR A HARBOUR REVISION ORDER

NOTICE IS HEREBY GIVEN that Folkestone Harbour Company Limited (“the applicant”) has applied to the Marine Management Organisation (“MMO”) for a harbour revision order (“the proposed Order”) under section 14 of the Harbours Act 1964 (“the Act”).

The proposed Order would correct errors in Articles 12(2), 14(2) and 15(2) of the Folkestone Harbour Revision Order 2017 (the “2017 Order”). These articles did not reflect the change made by section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which removed the upper limits on fines that can be imposed on summary conviction where that limit is expressed as the “statutory maximum”. The effect of the proposed Order would be to remove the limit on the amount of any fine that may be imposed by a Magistrate’s Court on Folkestone Harbour Company Limited if the Company fails to comply with Articles 12(2) (provision against danger to navigation), 14(2) (permanent lights on tidal works) and 15(2) lights on tidal works during construction) of the 2017 Order.

The proposed Order will have no other effect on the 2017 Order and will not revoke or materially change the 2017 Order.

The MMO has determined that whilst the project to which the 2017 Order relates fell within Annex I or Annex II of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended) which is codified by Council Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment and was considered a relevant project for the purposes of schedule 3 to the Act, the proposed Order would not authorise the construction or alteration of a project or confer development consent. Accordingly, the Council Directive above does not apply to the proposals and no environmental statement has been supplied.

A copy of the draft order and accompanying documents may be inspected, free of charge, at all reasonable hours until the expiry of the 42-day period referred to below at Harbour House, Folkestone Harbour, Folkestone CT20 1QH.

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

http://www.marinemanagement.org.uk/licensing/public_register/harbour.htm.

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

- i. be received before the expiry of a period of 42 days starting with the date at the foot of this notice;
- ii. be made in writing quoting reference HRO/2023/00001;
- iii. state the grounds of the objection or representation;
- iv. indicate who is making the objection or representation; and
- v. give an address to which correspondence relating to the objection or representation may be sent.

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

If an objection is duly made and not withdrawn then the MMO may cause an inquiry to be held. Any objections duly made and not withdrawn and any representations duly made will be considered before the MMO makes a determination in respect of the application.

As this 42-day consultation will run across 1 public holiday, the MMO is agreeable to consider consultation responses received up to 1 day beyond the 42-day consultation period. The final date for consultation responses to be received is 21 June 2024.

Dated: 9 May 2024

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