



James O'Connor  
Eversheds Sutherland (International)  
LLP  
(By email only)

Our reference:  
HRO/2022/00001

9 September 2024

Dear Mr James O'Connor

**The Harbours Act 1964  
The Teesport (Extension of Limits) Harbour Revision Order**

1. The Marine Management Organisation (“the MMO”) informs you that consideration has been given to the application for The Teesport (Extension of Limits) Harbour Revision Order (“the Order”) for which you applied on behalf of PD Teesport Limited (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 6 September 2022.

**Summary of Decision**

2. The MMO has authorised the making of the Order with amendments and modifications not affecting the character of the Order which it considers necessary and appropriate.
3. The Order would extend the limits of the Port of Tees and Hartlepool (“the Port”) over which PD Teesport Limited exercise their jurisdiction as Statutory Harbour Authority (“SHA”) to include an additional area of land, on the south bank of the River Tees which has been developed to form a berth for vessels using the newly constructed South Bank Quay (“the Quay”).

**Context**

4. PD Teesport Limited is the SHA for the Port. The applicant is responsible for the maintenance, management and improvement of the Port.
5. The Port is located on the North East coast of England. The Quay is adjacent to the River Tees and has been constructed as a berth for vessels using the new South Bank development. This Quay is set back into the existing riverbank and is currently outside of the jurisdiction of the Port.
6. As set out in Annex II to this letter, the Order will extend the jurisdiction of the Port to include the Quay, allowing the Port to manage vessels using the Quay.



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## Application procedure

- On 6 September 2022 an application for the Order was submitted to the MMO by Eversheds Sutherland (International) LLP on behalf of the applicant.
- Notice of the application for the Order was advertised in the London Gazette on 7 June 2023 and in the Tees and Hartlepool Gazette on 7 June 2023 and 14 June 2023.
- MMO consulted the following bodies, their responses are summarised below:

Organisation	Response received and actions
British Ports Association	The BPA supports the application.
Chamber of Shipping	No response was received.
The Crown Estate ("TCE")	TCE acknowledged the references in the Order to Crown Rights.
Department for Transport ("DfT")	DfT asked if the Order would indirectly authorise development and queried whether there would be any gaps in the jurisdiction of the Port with the proposed extended limits.  The applicant confirmed that the Order would not authorise development and confirmed there would be no gaps in jurisdiction of the Port.  DfT were satisfied with the clarifications provided by the applicant.
Health and Safety Executive	No response was received.
Maritime and Coastguard Agency ("MCA")	No concerns with the Order.
Redcar and Cleveland Borough Council	No adverse comments to make.
Royal Yachting Association ("RYA")	No comments to make.
Trinity House ("TH")	TH supports the inclusion of the standard saving provision for Trinity House at Article 4 of the draft Order.
UK Major Ports Group	No response was received.

## Public representations

- No representations were received within the statutory 42-day period provided for in Schedule 3 to the Act.

## MMO consideration

- Following the MMO's review of the draft Order, amendments were made by the applicant to amend the Order to add the wording 'extension of limits' and to 'added area' and to update the colours in the plans to clarify the added area.

12. The MMO has considered the application in relation to the North East Marine Inshore and Offshore Marine Plans and is content that the application is in accordance with those marine plans.
13. Section 14(1) of the Act provides for an order to be made under this section (“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 set out in Schedule 2 to the Act.
14. By virtue of section 14(2)(a) a Harbour Revision Order may not be made in relation to a harbour unless the MMO is satisfied that an appropriate written application has been made by the authority engaged in improving, maintaining or managing it, or by a person appearing to it to have a substantial interest or body representative of persons appearing to it to have such an interest.
15. By virtue of section 14(2)(b) 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. The Order will allow the Port to exercise their statutory functions over vessels using the Quay.

### **MMO’s decision**

16. The MMO is satisfied that the Order meets the requirements of section 14(1) and 14(2)(a) of the Act.
17. The MMO is satisfied for the reasons set out by the applicant in their statement of support, and summarised above, that the making of the Order (and each provision of the Order) is desirable for the purposes of section 14(2)(a) and (b) of the Act and should be made.
18. The MMO authorises the making of the Order with amendments and modifications which it considers necessary and appropriate but not substantially affecting the character of the Order.

### **Challenges to decisions**

19. Information on the right to challenge this decision is set out in the 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 the purpose to the High Court or the Court of Session, as the case may be.

**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.**

## **Annex II**

### **Objects for whose achievement Harbour Revision Orders may be made within the Harbours Act 1964, Schedule 2**

5. Transferring from the authority to another or to the authority from another all or any of the property vested in, as the case may be, the authority or that other and held for the purposes of the harbour and, so far as they relate to the transferred property, all or any of the duties and powers imposed and conferred on, as the case may be, the authority or that other by a statutory provision of local application affecting the harbour.

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