



Lara Moore
Ashfords LLP
(email only)

Our reference:
HRO/2020/00006

25 March 2025

Dear Ms Moore,

The Harbours Act 1964
The Cattewater Harbour Revision Order 2025

1. The Marine Management Organisation (“the MMO”) informs you that consideration has been given to the application for the Cattewater Harbour Revision order 2025 (“the Order”) for which you applied on behalf of Cattewater Harbour Commissioners (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”) on 13 October 2020.

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 confers modernised powers on the applicant considered conducive to the efficient and economical operation, maintenance, management and improvement of Cattewater Harbour (“the Harbour”). In particular, the Order would confer modern powers on the applicant to give general directions to vessels, persons, and vehicles using the Harbour, together with powers exercisable by the harbour master appointed by the applicant to give special directions to vessels. The Order also confers express powers on the applicant related to borrowing and for the laying, maintenance, and licensing of moorings in the Harbour. Additionally, the Order makes minor amendments to local legislation. These powers are required to support the effective management of Cattewater Harbour as recommended in the Port Marine Safety Code (“PMSC”).

Context

4. The applicant is the Cattewater Harbour Commissioners, the statutory harbour authority governed by its own local legislation collectively known as the Cattewater Harbour Orders 1915 to 2005. The applicant is responsible for the administration, maintenance, and improvement of the Harbour. The Applicant is also a Competent Harbour Authority under the Pilotage Act 1987.



INVESTORS
IN PEOPLE

Bronze



5. The Harbour is classed by the Department for Transport (“DfT”) as a Trust Port.
6. Cattewater Harbour is located within the Dockyard Port of Plymouth, for which the primary harbour authority is the Ministry of Defence. The Cattewater Harbour Commissioners are one of three separate statutory harbours (ABP Millbay, Sutton Harbour Authority and the Commissioners) which operate within the Dockyard Port.
7. The Harbour is approximately 100 hectares and contains 5 berths for commercial vessel which ship and unship approximately 2,250,000 tonnes of cargo of cargo annually. The main cargoes shipped through the Harbour include clay, fertilisers, wood chips and project cargoes, bulk liquid products such as Petroleum Tankers and cement.
8. The Harbour offers a small number of other pontoon berths and approximately 120 further moorings, with over 1000 vessels registered in private moorings and marinas. Approximately 900 acts of pilotage take place each year. The Harbour is also home to a small fleet of registered fishing vessels.
9. The Harbour Revision Order (“HRO”) is sought to achieve various objects specified in Schedule 2 to the Act, these are detailed within Annex II of this letter.

Application procedure

10. On 8 October 2020 an application for the Order was submitted to the MMO by Ashfords LLP on behalf of the applicant.
11. Notice of the application for the Order was advertised in the London Gazette on 8 June 2021 and in the Western Morning News on 8 and 15 June 2021. A 42-day consultation ran from 8 June 2021 until 19 July 2021.
12. MMO consulted the following bodies, their responses are summarised below:

Organisation	Response received and actions
Department for Transport (“DfT”)	No objection
Maritime and Coastguard Agency (“MCA”)	The MCA raised no objection but provided comment that harbour directions could not apply to vehicles, following further engagement it was highlighted that the applicant had not applied for harbour directions, but had applied for general directions which can apply to vehicles. The MCA welcomed the requirement to consult with the Cattewater User Group.
Trinity House	No response received
Plymouth City Council	No response received
Royal Yachting Association (“RYA”)	The RYA raised no objection but advised some additions may be necessary. Specifically, the inclusion of a definition of personal watercraft and the explicit permission to extinguish fires on-board vessels.
UK Major Ports Group	No response received

British Ports Association	No response received
Chamber of Shipping	No Comment
Dutchy of Cornwall	No response received

Public representations

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

MMO consideration

14. The MMO gave further consideration to the points raised by the RYA and decided to amend the standard provisions relating to directions to include additional wording relating to the extinguishing of fires on board vessels.
15. The MMO also engaged further with the MCA to discuss the point raised regarding DfT policy surrounding the application of general directions to vehicles. Following this engagement, it was agreed that the point raised by the MCA was not valid and should therefore be discounted as a misunderstanding.
16. 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. The Order contains provision for maintenance and construction as part of the harbour development to enable the authority to manage the Harbour to exercise their statutory functions.
17. 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.
18. 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.

MMO’s decision

19. The MMO is satisfied that the Order meets the requirements of section 14(1) and 14(2)(a) of the Act.
20. The MMO is satisfied that there are no objections to the application for the Order.

21. The MMO is satisfied for the reasons set out by the applicant in their Statement in 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.
22. 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

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

Yours Sincerely



David Morris
Marine Licensing Case Officer

D +44 (0)208 026 5175

E david.morris@marinemanagement.org.uk

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

Paragraph 3: "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."

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".

Paragraph 6: "Settling (either for all purposes or 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".

Paragraph 16A: "Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features"

Paragraph 17: "Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour."