



Marine
Management
Organisation

Statement in Support of Harbour Revision Order (HRO) Application

Table 1: Application details

1. Date application made to MMO	06 January 2025
2. Name of primary contact	Ashfords LLP
3. Contact details of primary contact	Lara Moore, Ashfords LLP l.moore@ashfords.co.uk
4. Address of primary contact	Ashfords LLP, Ashford House Grenadier Road Exeter EX1 3LH
5. Name of Statutory Harbour Authority	Dorset Council
6. Is this a Works Order?	No
a. Brief description of proposed works	N/A
b. Date when notification of intention was	N/A

submitted to MMO	
c. Date when EIA screening opinion was issued by MMO	N/A
d. If screened in, date when scoping opinion was issued by MMO	N/A
e. If screened in and if an optional ES review was undertaken, date when review was completed by MMO	N/A
7. Non-technical summary – please explain what you are seeking to achieve in this application in no more than 200 words.	<p>This statement relates to the application by Dorset Council for the proposed Weymouth Harbour Revision Order 20[X] (“the HRO”).</p> <p>The application 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).</p> <p>The HRO would restrict section 33 of the Harbours Docks and Piers Clauses Act 1847 (also known as ‘the Open Port Duty’) in the harbour to enable the Council in the future to develop the peninsula site in line with the Harbour Business Plan and the Government funding commitments, including upgrading and repairing harbour walls to ensure the infrastructure can meet modern standards and remains safe and supports both commercial and leisure activities. The harbour premises, as shown on the current harbour premises plan are not altered by the HRO.</p>

8. Location (coordinates must be provided in WGS84 format if this is a works order)	Weymouth Harbour
9. State the title of all relevant charts/maps/plans included with application (if appropriate)	The peninsula plan
10. State the legislation relevant to the Harbour Authority and included with this application (if appropriate)	<p>The Weymouth Harbour and Melcombe Regis Markets and Piers Act 1854 ("the 1854 Act")</p> <p>The Weymouth and Melcombe Regis Markets and Pier (Amendment) Act 1859 ("the 1859 Act")</p> <p>Weymouth and Melcombe Regis Bridge Act 1879 ("the 1879 Act")</p> <p>Weymouth and Melcombe Regis Corporation Act 1887 ("the 1887 Act")</p> <p>Weymouth and Melcombe Regis Corporation Act 1914 ("the 1914 Act")</p> <p>Weymouth and Melcombe Regis Harbour Order 1925 ("the 1925 Order")</p> <p>Weymouth and Melcombe Regis Harbour Order 1930 ("the 1930 Order")</p> <p>Weymouth and Portland Harbour Revision Order 1996 ("the 1996 Order")</p> <p>Weymouth Harbour Revision Order 2021 ("the 2021 Order")</p>
11. If you have received any pre-application guidance from the MMO in relation to this application please briefly describe this here.	N/A
12. Have you included the required fee for your application?	£15,579.00 sent by BACS.

Table 3: Statutory Harbour Authority background

The Statutory Harbour Authority

Weymouth Harbour ("**the Harbour**") is classed by the Department for Transport ("**DfT**") as a Municipal Port. For ease of reference Dorset Council, in the exercise of the statutory harbour authority ("**SHA**") function at Weymouth Harbour is referred to as "**the Council**" throughout this Statement of Support.

The Council, as the SHA, is governed by its own local legislation collectively known as the Weymouth Harbour Acts and Orders 1854 to 2021. The Council is responsible for the administration, maintenance and improvement of the Harbour which is more fully described below.

The Council is also the competent harbour authority under the Pilotage Act 1987 and is the local lighthouse authority for the Harbour and surrounding area.

In managing the Harbour, the Council strives to observe industry standards set out in Government guidelines. It is committed to complying with the principles of the various codes and reports applying to the ports and harbours industry, except where not relevant to the Council's constitution.

Weymouth Harbour

Weymouth Harbour is located in the heart of Weymouth and is diverse in its use and busy with tourists in the summer season. It is home to a commercial fishing fleet, one of the biggest charter boat fleets in the country, scuba diving, and sea angling businesses, and a thriving leisure boat sector supported by numerous clubs and associations.

Within Weymouth Harbour, the Council provides 84 permanent quayside moorings for commercial vessels, 397 additional pontoon berths across 2 marinas and 30 further moorings. There are approximately 4,800 visiting vessel nights. There are a further 275 berths at a privately operated marina within the harbour. In addition, Weymouth Harbour is home to 43 registered fishing vessels (circa 1,800 tonnes of fish and shellfish are landed annually at Weymouth Harbour with an approximate annual value of £3.8 million) and a large sea angling charter fleet (25 vessels).

Table 3a: Need and justification for order

The Harbours Act 1964

Section 14 of the Harbours Act 1964 (**“the 1964 Act”**) confers powers which have been devolved to the MMO 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 to the 1964 Act.

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 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;...”*

and at paragraph 8A:

“Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour”.

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.

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 a harbour which is 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.

Need & Justification for the Harbour Revision Order

Weymouth Harbour is a significant asset for Dorset Council, playing a critical role in the region's maritime economy and broader regeneration efforts. As part of these efforts, the Council successfully secured £19.47 million through the second round of the (at the time) Levelling Up Fund in the financial year of 2023/24, with an additional £3.5 million required in match funding. This funding is targeted toward key infrastructure and development projects that aim to rejuvenate the harbour and surrounding areas.

The harbour's current status under the Open Port Duty presents a major obstacle to these plans. As a statutory obligation, the Open Port Duty requires that Weymouth Harbour must remain open for the "shipping and unshipping of goods" and "the embarkation and disembarkation of passengers." This duty applies to all vessels, regardless of size, including large commercial ships. While this provision was essential in the past when Weymouth served as a hub for large-scale ferry services, the last ferry service ceased in 2015. Since then, no viable proposal for reinstating such services has been presented, and the economic rationale for maintaining facilities for large vessels has diminished.

The harbour infrastructure that once accommodated large ferries is now outdated for current requirements. Since 2015, with the cessation of regular ferry services, marine activity in Weymouth has shifted towards smaller commercial operations and leisure craft. The harbour's physical limitations, including depth restrictions and berth configurations, make it unsuitable for the modern generation of ferries, which are significantly larger. Today's ferries, particularly those serving cross-Channel routes, have increased in size to accommodate more passengers, vehicles, and cargo. This trend in ferry design is driven by the need for greater fuel efficiency and economic scalability, leading to larger draughts and overall dimensions that exceed the capacity of many older ports like Weymouth. Ferries now typically require deeper harbours and more extensive shore facilities than Weymouth can provide without significant, costly upgrades.

Given these trends, maintaining the infrastructure for large vessels under the Open Port Duty seems increasingly impractical. The investment needed to adapt Weymouth Harbour for larger, modern ferries would far outweigh any potential economic benefits, especially in the absence of a clear

demand for such services. The focus has shifted toward optimising the harbour for smaller vessels and leisure use, which better aligns with current local needs and offers more sustainable prospects for the future.

The unrestricted Open Port Duty currently necessitates that the harbour retains substantial infrastructure to accommodate large vessels, including space for loading lanes, border control facilities, and other associated services. This requirement is at odds with the Council's vision for developing the Peninsula site as part of the regeneration project. Maintaining this infrastructure not only incurs high costs but also limits alternative commercial development opportunities for the quayside and the wider Peninsula area, such as small-scale marine businesses, leisure activities, other development, and public access improvements.

The need for a HRO to amend the Open Port Duty has been identified, allowing it to be restricted to vessels of a certain size (under 24 meters in length). This would provide the necessary flexibility to continue accommodating smaller vessels, such as fishing boats, leisure yachts, and local commercial traffic, while freeing up space and resources for the redevelopment of the Peninsula. Restricting the duty to smaller vessels would also enable the removal of outdated infrastructure, such as the redundant ferry linkspan ramp, paving the way for new uses, including slipway, boat haul-out facilities, and marine services.

The Harbour Business Plan, approved by the Council in January 2024, underscores the importance of this revision in enabling the transformation of the quayside and Peninsula area. The modification of the Open Port Duty through a HRO is a key step in ensuring that the Government funding commitments can be delivered while securing the long-term financial sustainability of Weymouth Harbour. As explained above, the harbour premises, as shown on the current harbour premises plan are not altered by the HRO.

An explanation of, and the need for, each substantive article in the HRO is set out below.

Article 1 is not dealt with below since it is ancillary to the substantive provisions of the HRO.

The Harbour Consultative Group (which includes a range of stakeholders with interests in the Harbour's operations and future), met on 3 September 2024 to discuss the implications of the proposal to restrict the Open Port Duty. The group endorsed the proposal to apply for the proposed HRO, noting the benefits it would bring in terms of both economic sustainability and development opportunities.

It should be noted that Dorset Council is also promoting The Lyme Regis and Bridport (West Bay) Harbour Revision Order 202[] to consolidate and modernise the existing local statutory harbour legislation in respect of Lyme Regis and Bridport (West Bay) Harbours and confer further modernised powers on the Council considered conducive to the efficient and economical operation, maintenance, management and improvement of the harbours. It is anticipated that The Lyme Regis and Bridport (West Bay) Harbour Revision Order 202[] will be made before The Weymouth Harbour Revision Order 202[], in which case the references in The Weymouth Harbour Revision Order 202[] to 'the Weymouth Harbour Acts and Orders 1854 to 2021' will be updated to include The Lyme Regis and Bridport (West Bay) Harbour Revision Order 202[].

Table 2b: Justification for inclusion of provisions

Article in HRO	Summary of Provision	Requirement for provision
<p>2</p> <p>Interpretation</p>	<p>This article contains definitions which apply throughout the HRO.</p>	<p>The definitions are found within paragraph (1) of the article.</p> <p>Article 2 is required to enable the HRO and its effect to be properly interpreted.</p>
<p>3</p> <p>Restriction of the application of section 33 of the Harbours, Docks and Piers Clauses Act 1847</p>	<p>This article restricts the application of section 33 of the Harbours, Docks and Piers Clauses Act 1847 ('the 1847 Act') to the Harbour.</p>	<p>The Harbours, Docks and Piers Clauses Act 1847 ('the 1847 Act') only applies to SHAs insofar as it is incorporated into their local harbour legislation. It does not have to be incorporated and indeed is not for some SHAs.</p> <p>Under the proposed restriction of application, section 33 (also known as 'the Open Port Duty') of the 1847 Act would only apply to vessels under 24 metres in length in the Harbour and would not apply at all to the area shaded red on the peninsula plan. This covers all existing current frequent users of the Harbour and allows flexibility for the Council to accept larger vessels on an ad hoc basis at its discretion.</p> <p>While this provision would restrict the Open Port Duty for vessels over 24 metres in length, the Council will still be able to exercise its discretion to accept vessels over 24 metres in length. For example, although the Tall Ships that currently occasionally visit the Harbour are over 24 metres in length, the Council can, and intends to, exercise its discretion to facilitate them.</p> <p>Similar provisions can be found in article 3(2) of the Folkestone Harbour Revision Order 2017, and article 4 of the Exmouth Docks Harbour Revision Order 1998.</p> <p>Restriction of the Open Port Duty is within the scope of Schedule 2 (objects for whose achievement harbour revision orders may be made) to the 1964 Act, including:</p>

		<p>paragraph 3: <i>"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-</i></p> <p style="padding-left: 40px;"><i>(a) improving, maintaining or managing the harbour..."</i>.</p> <p>paragraph 8A: <i>"Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour"</i>.</p> <p>Further justification for this restriction is stated in Table 3a above.</p>
4 Saving for Trinity House	This article provides the standard saving provision for the rights of Trinity House.	No further justification required.
5 Crown Rights	This article provides the standard saving provision for Crown Rights.	No further justification required.

Table 4: Relevant policies, guidance and plans

Plan, policy or guidance	<i>Demonstration that application is compliant with relevant plan, policy or guidance.</i>
Relevant Marine Plan (or Marine Policy Statement if no plan or draft plan available)	<p>The Harbour is situated within the South Marine Plan Inshore Area. Once published, Marine Plans become a material consideration and as such, it is considered in this Statement of Support in addition to the UK Marine Policy Statement. The relevant marine plan applying therefore is the 'South Inshore and South Offshore Marine Plan', July 2018 ("the South Marine Plan").</p> <p>The proposed HRO is a non-works HRO (i.e. it does not authorise a plan or project). Its provisions are focused on amending the Council's existing statutory powers by restricting the Open Port Duty to support the efficient and economical operation, maintenance, management and improvement of the Harbour and surrounding area.</p> <p>It is expected that the effects of the proposed HRO on the South Marine Plan area will be very limited and that any effects will be positive as the proposed HRO supports the economic and efficient management of the Harbour (including with respect to environmental considerations). A brief summary of compliance is nevertheless set out below.</p> <p>Compliance with UK Marine Policy Statement</p> <p>The UK Marine Policy Statement ('MPS') sets out (in section 2.1) that the UK vision for the marine environment is for '<i>clean, healthy, safe, productive and biologically diverse oceans and seas.</i>' The purpose of the proposed HRO is to restrict the Open Port Duty at the Harbour. This will support the Council in ensuring it complies with the Ports & Marine Facilities Safety Code and will support the vision of ensuring that the marine environment is kept '<i>clean, healthy, safe, productive and biologically diverse.</i>' The provisions of the proposed HRO also support the following high-level objectives contained in the MPS:</p> <ul style="list-style-type: none"> (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.

	<p>(C) Living within environmental limits: Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.</p> <p>(D) Promoting Good Governance: Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.</p> <p>Compliance with South Marine Plan</p> <p>The South Marine Plan was published in July 2018. Through its restriction of the Open Port Duty, the proposed HRO will support the following objectives contained in the South Marine Plan:</p> <p>(A) Objective 2: To manage existing, and aid the provision of new, infrastructure supporting marine and terrestrial activity.</p> <p>(B) Objective 3: To support diversification of activities which improve socio-economic conditions in coastal communities.</p> <p>(C) Objective 6: To maintain and enhance inclusive public access to, and within, the south marine plan areas appropriate to its setting.</p> <p>In addition, the proposed HRO is supported by policy S-PS-1, which expressly supports competitive and efficient port and shipping operations, recognising that <i>'ports and harbours are essential to realise economic and social benefits for the south marine plan areas and the UK. S-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.'</i></p>
<p>Insert other relevant plans/policy/guidance in this section</p>	<p>Ports Good Governance Guidance including:</p> <p><i>1.14 In addition to their national importance, ports also play an important role in local communities and economies in terms of leisure activities and fishing, as well as a source of employment and location for businesses. In some places ports are the central focus of a community.</i></p>

	<p><i>4.3 In general, LA owned ports are operated for the benefit of stakeholders including the local community and can be an important local asset. In that sense they are very similar to SHAs in other port ownership models, although importantly LA owned ports also operate as part of a wider public sector organisation with a wide range of other functions.</i></p> <p><i>4.9 LA owned SHAs should engage with a wide range of stakeholders as for privately owned and trust ports set out in parts A and B. This will facilitate the SHA setting out its position on its current performance and future proposals, as well as allowing it to hear and take account of stakeholder views in formulating its future plans.</i></p> <p><i>4.23 There would be benefits to local authorities in developing clear plans for what they want to achieve from their operation of a port, such as provision of leisure and tourist facilities or as a commercial harbour, depending on the specific circumstances of the harbour.</i></p> <p><i>4.24 LA owned ports should consider producing a business plan that looks at the future prospects of the port and how it will meet the requirements of the stakeholders, who should be fully involved in its development.</i></p>
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Table 5: Any other relevant information

As stated above, prior to submission of the HRO application, the Council approved the Harbour Business Plan in January 2024, which underscores the importance of this revision in enabling the transformation of the quayside and Peninsula area at Weymouth Harbour. The modification of the Open Port Duty through a HRO is a key step in ensuring that the Government funding commitments can be delivered while securing the long-term financial sustainability of Weymouth Harbour.

The Harbour Consultative Group (which includes a range of stakeholders with interests in the Harbour’s operations and future), met on 3 September 2024 to discuss the implications of the proposal to restrict the Open Port Duty. The group endorsed the proposal to apply for the proposed HRO, noting the benefits it would bring in terms of both economic sustainability and development opportunities.

Final comments

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.”

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 to the 1964 Act, the provisions of the HRO would be conducive to the efficient functioning of the Harbour and it is therefore within the scope of the 1964 Act for them to be included in the HRO.