



## PAPER B

Purpose: For Noting

# Committee report

Committee	HARBOUR COMMITTEE
Date	<b>24 SEPTEMBER 2018</b>
Title	HARBOUR REVISION ORDER- PROGRESS REPORT
Report of	Cabinet Member for Environment and Heritage

---

### EXECUTIVE SUMMARY

1. The purpose of a Harbour Revision Order (HRO) is to provide the Council with a set of modern powers equivalent to those enjoyed by most harbour authorities across the country. It would allow the harbour to operate efficiently and safely and aims to replace a series of outdated byelaws. It does not grant any developments consents for any projects which would still need to be authorised by planning permission or a works HRO. The purpose of this report is to update members on the progress of the HRO as agreed in March 2017.

### BACKGROUND

2. In December 2015 the Executive agreed to maintain Newport as a Statutory Harbour and to undertake the statutory consultation for a new HRO. Prior to this the council had agreed to undertake a pre- application consultation to inform the formal process. This report seeks to provide the Board with a progress report.
3. Pre-application consultation was carried out by the Council before its formal application for the proposed HRO to the Marine Management Organisation ("the MMO") pursuant to the Harbours Act 1964. This occurred between 25<sup>th</sup> of November 2016 and 13<sup>th</sup> of January 2017. Specifically, this involved:
  - Notices in the local newspaper and on the Harbour's noticeboard at the Harbour
  - Consulting with the Harbour User Group
  - Consulting with other local harbour users
  - Consulting with the adjoining Harbour at Cowes and Island Harbour
  - Pre-application consultations with the MMO, and with other consultees required or suggested by the MMO

- Providing statutory consultees with a copy of application documents for comment and making available a hard copy for the public to review via the Harbour Master's Office and County Hall; and
  - Publishing the documents on iwight.com
4. Comments received during the pre-application consultation process were incorporated into a report to make a formal application for the HRO, and those comments were considered at the Executive meeting on 9 March 2017, when it was resolved that the Council should formally proceed with its application for a HRO.
  5. As a result notice of the intention to submit a formal application was be sent to the MMO as is required.
  6. A Statement of Reasons was prepared for the MMO, as attached in , with the relevant fee of £4,000 with; The order was then published in the London Gazette and local papers on 16 March 2018 allowing the statutory 42 day period for objections and representations to be made
  7. At the end of the 42 days the MMO collated the comments and objections and sent these to the IWC; the Council has subsequently worked with its specialist marine lawyer and prepared detailed responses to each comment these are as detailed in. This document has been sent to the MMO who will now decide whether any of the objections are upheld and if so advise the Council that a public inquiry is required, or proceed on the basis that the responses adequately deal with the comments/objections.. Currently we are waiting to hear the outcome of this from the MMO
  8. If an inquiry is require the decision is usually within 9 months of the completion of the inquiry.

## STRATEGIC CONTEXT

9. The provision of an HRO will provide the Harbour with a set of modern powers equivalent to those enjoyed by most harbour authorities across the country. It would allow the harbour to operate efficiently and safely and aims to replace a series of outdated byelaws contributing to the theme a Safe and well-kept Island

## FINANCIAL / BUDGET IMPLICATIONS

10. Currently the cost associated with these works is limited to the cost of the application of £4000 and the fees legal fees which are contained within the revenue budget for the Harbour.
11. If the MMO feel a public enquiry is required this could add considerable cost to this process which could be in the region of £50K as identified in the Executive report of 9th March 2017.

## EQUALITY AND DIVERSITY

12. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. None of the identified groups are likely to be adversely affected by proposed works.

## RISK MANAGEMENT

13. The risk associated with this process is the increased cost and management time that would be required for a public Inquiry. There is also a risk of the HRO not being agreed in that there is then little alternative to modernising the harbour to allow it to continue to operate efficiently.

## RECOMMENDATION

14. To note the report as written and accept that this as the progress to date

15. Contact Point: Alex Minns Head of Commercial Services ☎ 821000  
alex.minns@iow.gov.uk

TREVOR PUGH Director of  
Neighbourhoods (interim)

(CLLR) JOHN HOBART  
Cabinet Member for  
Environment and Heritage