

HARBOURS ACT 1964 (AS AMENDED)

PROPOSED FALMOUTH HARBOUR REVISION ORDER

NOTICE OF APPLICATION FOR A HARBOUR REVISION ORDER

NOTICE IS HEREBY GIVEN that the Falmouth Harbour Commissioners (“the applicant”) has applied to the Marine Management Organisation (“MMO”) for a Harbour Revision order under section 14 of the Harbours Act 1964.

The proposed order would modernise and consolidate the statutory harbour powers applying in relation to Falmouth Harbour (“the Harbour”). The proposed order provides for clarity on the limits of the Harbour; the establishment of an advisory body or bodies consisting of harbour stakeholders with which the applicant is required to consult on material matters; modernised powers of management and control of the Harbour to vest in the applicant including provisions relating to powers of general direction and special direction, the making of byelaws, navigational safety, conservation, dredging, moorings, bunkering, levying of charges and the use of harbour revenue; and powers to vest in the applicant which include the power to borrow, to establish a reserve fund, to develop or dispose of land, and to grant tenancies. To facilitate the above, article 60 of the proposed order revokes the Acts and Orders set out in Schedule 2 to the proposed order and amends the Orders set out in articles 57 to 59 of the proposed order.

The proposed order would not authorise the construction or alteration of a project or confer development consent. Accordingly, 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) does not apply to the proposals and no environmental statement has been supplied.

A copy of the draft order and accompanying documents is deposited at the offices of the applicant at: Falmouth Harbour Commissioners, 44 Arwenack St, Falmouth TR11 3JQ . These may be inspected at all reasonable hours until the expiry of the forty-two day period referred to below.

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:

<https://www.gov.uk/government/collections/harbour-orders-public-register>

Any person desiring to make an objection or representation concerning the application should write to the Marine Licensing 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/2022/00004;
- 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 decides whether or not to make the order.

Dated: 29th August 2023

Ashfords LLP
Solicitors for the Falmouth Harbour Commissioners