

TEIGNMOUTH HARBOUR REVISION ORDER 2023

Why are we undertaking a Revision Order at this time?

The matter of the Harbour Revision Order (HRO) has been deferred by the Commission for some ten years.

The Port Marine Safety Code ("the Code") applies to the Commissioners as well as to all statutory harbour authorities. The Code identifies a number of tasks which harbour authorities should undertake in order to comply with it, including reviewing and being aware of existing powers based on local and national legislation. It advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations. There are a number of areas where the modernisation of the Commissioners current local legislation would aid the management of the harbour in an efficient and economical manner and be in the interests of the recreational use of sea-going ships.

The submission fee to the Marine Management Organisation for an HRO will be increasing in October 2023 and rising by 58%

What is the Legal Process

1. Application Submission

The HRO application is submitted to the regulator, the Marine Management Organisation (**MMO**). This includes the draft HRO, Statement of Support, any plans deposited with the HRO, and the local harbour legislation referred to in the HRO. The MMO then carry out high level checks on the application before validating it.

2 Pre-Consultation

The MMO's Harbour Order Team carry out pre-consultation checks and liaise with the applicant if any minor changes are required. The MMO then approves the application to proceed to consultation.

3. Public Consultation

The application will be published online on the harbour orders public register. There will then be a 42-day public consultation where members of the public can review the application documents in full (online or at the harbour office) and write to the MMO with any concerns or to express support.

The start date of the consultation will be confirmed in a public notice published for two consecutive weeks in a newspaper widely circulated in the

area of the harbour and once in the London Gazette. The notice will also be put up in the harbour office and in another location at the harbour.

4. Post-Consultation

The applicant will respond to any comments received during consultation to resolve any objections / clarify confusion, if any. Minor post-consultation changes may be made to the HRO if required.

5. Determination / Public Inquiry

When consultation comments are resolved, the MMO will determine the HRO. If they are unresolved, where appropriate, a Public Inquiry may be called (albeit it is very uncommon for a Public Inquiry to be called in relation to a non-works HRO).

6. Laying in Parliament

If the MMO's determination is positive, the HRO will be laid in Parliament (there is a 21-day laying period before the HRO can come into force). The MMO's decision notice will be published in local newspapers and in the London Gazette.

For non-works HROs, timescales from submission to determination are usually in the region of 9 – 18 months.

Where are the Teignmouth Harbour Commission at in respect of the Submission Process?

Our legal team were instructed to proceed with the THRO in May 2023

The Teignmouth Harbour Consultative Group (THCG) were advised during the last GM on the 25th May 2023.

Chairs of the (THCG) attended THO on 19th July on Informal Consultation about the THRO process

3rd August THCG were invited to attend THO for the purpose of posing questions to THC's legal team to clarify any queries or concerns raised.

30th August Meeting to be undertaken between THC's legal representation and the THCG. THC's legal representation will start the meeting by giving a presentation on the HRO. Any member requesting representation at this meeting should advise either Mark Brookfield or Claire Stoye (present Chairs), of any points that they wish to be raised.