

# Harbours Committee

## 23 September 2020

### Harbour Revision Order – Bridport and Lyme Regis Harbours

#### For Recommendation to Council

**Portfolio Holder:** Cllr R Bryan, Highways, Travel and Environment

**Local Councillor(s):** Cllr Mark Roberts, Chair Harbours Committee

**Executive Director:** John Sellgren, Executive Director of Place

Report Author: Ken Buchan

Title: Head of Environment & Well Being

Tel: 01305 225132

Email: [k.buchan@dorsetcouncil.gov.uk](mailto:k.buchan@dorsetcouncil.gov.uk)

**Report Status:** Public

#### Recommendation:

The Harbours Committee recommends to the Cabinet and Full Council that in so far as they have power to do so they agree and otherwise support:

- 1) An application being made to the Marine Management Organisation for a joint Harbour Revision Order in respect of Bridport and Lyme Regis Harbours to consolidate and modernise the current applicable legislation;
- 2) Delegated authority is given to the Executive Director of Place in consultation with the Portfolio Holder for Highways, Travel and Environment to determine the wording of the Harbour Revision Order based on legal advice and to undertake all procedures for the submission of the Harbour Revision Order to the Marine Management Organisation
- 3) A budget of £36,000.00 be allocated for this work to include the legal advice, the application fee and public notices. This may be split over 2 years.

## **Reason for Recommendation:**

To secure approval for the submission of a Harbour Revision Order to consolidate and modernise the local legislation for Lyme Regis and Bridport Harbours.

### **1. Executive Summary**

The purpose of this report is to seek authority to prepare and submit a Harbour Revision Order (HRO) to the Marine Management Organisation (MMO) in order to consolidate and modernise the current local legislation relating to Lyme Regis and Bridport Harbours.

### **2. Financial Implications**

The advice of a specialist marine lawyer is required to make the application. Those fees are likely to be in the region of £25-30K plus the MMO application fee. The application fee is currently £4K although it is anticipated that there will be a substantial fee increase in the region of £15 to £17.5K in the near future. There will also be a requirement to place public notices which will cost about £2K. Based on the maximum potential cost estimates, a budget is required in the sum of £36K, which may be split over 2 years. A budget of £30k was previously approved for the Lyme Regis HRO, so an additional £6k is sought to include Bridport. By combining HROs for both harbours and submitting the application before the expected fee increase, this avoids future application fees of up to £17.5k.

### **3. Climate implications**

None

### **4. Other Implications**

None

### **5. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

## **6. Equalities Impact Assessment**

There are no equalities implications linked to the subject of this report.

## **7. Appendices**

None

## **8. Background Papers**

None

## **9. Background**

- 9.1 A review of the local legislation for Lyme Regis and Bridport Harbours was previously undertaken by a specialist marine lawyer from Ashfords Solicitors. The review identified that for Lyme Regis Harbour the legislation, which dated from 1584, required modernisation and consolidation under a harbour revision order to facilitate improved harbour management and control. The need to amend local legislation for Bridport Harbour was not thought to be as important although issues around powers of general and harbour directions were highlighted.
- 9.2 A report was therefore put before this Committee on 25 September 2019, seeking authority to apply for a Harbour Revision Order for Lyme Regis Harbour only. Approval was given by this Committee and thereafter Cabinet and Full Council (21 November 2019). A budget of £30k over two years was agreed to cover the cost.
- 9.3 Following a subsequent briefing by the specialist marine lawyer, Councillors and Officers expressed a wish to apply for a joint harbour revision order for both Lyme Regis and Bridport Harbours in order to have one set of local legislation which was the same for both harbours, and which linked strongly with that submitted for Weymouth Harbour. This would provide greater clarity for officers in interpreting their powers and would additionally expand the powers of special directions, general directions and harbour directions for both harbours.
- 9.4 It is therefore now recommended that an application be submitted to the MMO for a Harbour Revision Order to cover both harbours. The Marine Management Organisation is expected to increase the application fees for HROs in the near future (from £4000.00 to a maximum of £17,500.00). By submitting a joint Lyme Regis and Bridport application before this fee increase, we will avoid significant additional costs. A budget of £30K was

previously approved for the Lyme Regis HRO, so an additional £6k is sought to include Bridport.

- 9.5 Because, there has been the potential for a fee increase since April 2020, work commenced on drafting the Joint Order early in the year. With the postponement of our last Harbours Committee meeting due to the Covid lockdown, it was necessary to submit the joint HRO application to the MMO with a holding letter. This allowed us to submit a draft application which could be held whilst awaiting formal approval by the Harbours Committee and Full Council avoiding the fee increase.