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“PORT PLANNING AND DEVELOPMENT FOR A SUSTAINABLE FUTURE  
“PLANIFICATION, GESTION PORTUAIRE ET DÉVELOPPEMENT DURABLE”

- progress and results lessons learned from consultation approaches with master planning studies

Wednesday 10<sup>th</sup> December, 2014– Thistle Brighton Hotel



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# PRACTICAL GUIDANCE ON THE HARBOUR REVISION PROCESS IN OBTAINING DEVELOPMENT CONSENTS FOR PORT PROJECTS

# WHAT DOES A HARBOUR REVISION ORDER AUTHORISE?

- Regulatory Powers and Duties
  - Byelaws and general directions
  - Constitution and borrowing
  - Transference of property
  - Harbour limits
  - Licencing
- Development

# Relationship to Terrestrial Planning

- Need for Planning Permission
  - Port development still “development” for which planning permission required, but
  - Development “specifically ”authorised by HRO is permitted development subject to prior approval by planning authority
  - Prior approval can only be refused in very limited circumstances

# Public Rights of Navigation

- Acquired over a long period
- Any interference is an actionable nuisance enforceable by the courts
- Could lead to a claim for substantial damages if construction contract already awarded
- Can only be extinguished by legislation or an HRO – not by the grant of planning permission or a marine licence

# Relationship with Port Master Plans

- Policies in a Port Master Plan supportive of a proposed development are material considerations that should be taken into account by the Marine Management Organisation in determining an application for an HRO

# HRO's and Environmental Impact Assessments

- Potential overlap between three separate EIA Regulations applicable to terrestrial planning, HRO's and marine licencing
- Marine licensing EIA will usually defer to either the planning or HRO EIA
- Important to agree a consents strategy at an early stage so as to avoid delay

# HRO's - Procedural Summary

- Informal Consultation with stakeholders
- Notice to MMO in relation to screening/scoping
- Agree scope of HRO with MMO
- Formal application
- 42 day consultation period
- Public inquiry?
- Negotiate changes
- Formal decision