

The INTERREG IV(a) Fostering Long Term Initiatives in Ports project Newhaven Port and Properties Ltd cross border workshop

“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

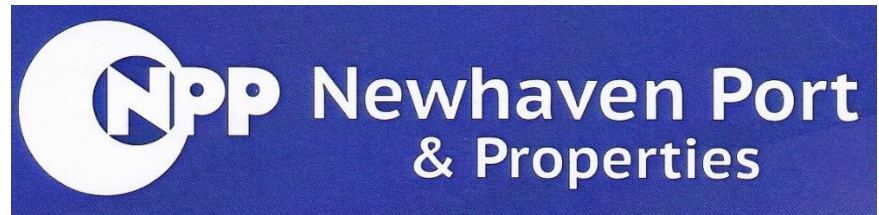
Wednesday 10th December, 2014– Thistle Brighton Hotel



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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