EXPLANATORY MEMORANDUM TO

THE ILFRACOMBE HARBOUR REVISION ORDER 2019

2019 No. 798

1. Introduction

1.1 This explanatory memorandum has been prepared by the Marine Management Organisation ("MMO") and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to authorise North Devon Council ("the applicant") to construct and maintain a new harbour wall and a new slipway at Larkstone Cove in Ilfracombe Harbour ("the Harbour").

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The applicant is the statutory harbour authority for the Harbour and operates under legislation dated 1870 to 1996.

6.2 The applicant applied to the MMO on 24 May 2018 for the Ilfracombe Harbour Revision Order ("the Order") to be made under Section 14 of the Harbours Act 1964 ("the Act").

6.3 The responsibility for the consideration of the application, and the making of any Order, passed to the MMO by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674) which delegated the Secretary of State functions under Section 14 of the Act to the MMO except in relation to specified applications.

6.4 In accordance with paragraph 4 of Schedule 3 to the Act, the MMO concluded that the project did not fall within EIA Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment and was not a relevant project (that is a project which would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location). The MMO notified the Applicant of its decision under paragraph 6 of the Act.

7. Policy background

What is being done and why?

7.1 The Order authorises the construction and maintenance of a new harbour wall in Larkstone Cove and a slipway from the new watersports centre in The Strand which will extend into the bed and foreshore of Ilfracombe Harbour.

7.2 There is a need in Ilfracombe to provide improved conditions for local watersports groups and one of the aims of the watersports centre is to satisfy that need. The slipway will be key to the operation of the watersports centre since it will provide access to the water. The new sea wall is needed to defend the first floor of the boathouse from the impact of extreme waves.

7.3 In May 2014 the applicant applied for planning permission (planning application number 57487) to North Devon Council. The application was for the erection of a multipurpose watersports centre with boat and equipment storage facilities at Larkstone Cove, Ilfracombe.

7.4 North Devon Council granted planning permission on 9 February 2015. This planning permission expired and a new application was made in February 2018 (planning application number 64472). Permission was granted on 11 April 2018.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Consolidation is not being done.

10. Consultation outcome

10.1 In accordance with paragraph 10 of Schedule 3 to the Act, a notice was placed in the London Gazette and the North Devon Journal detailing the application for the Order and how any objections or representations may be registered.

10.2 The MMO also consulted with other such bodies it considered to have interest in the Order.

10.3 One objection to the Order were received within the statutory period of forty-two days provided for in Schedule 3 to the Act.

10.4 The objection was raised on a number of grounds, including, but not limited to, historical and ecological concerns. The applicant met with the person who objected, they explained the scheme in full detail and provided further documentation. MMO subsequently received written confirmation that the objection was withdrawn.

10.5 Further comments were received from eight bodies which MMO consulted with. The comments were made in regard to the design of the slipway and potential impacts on ecology from the proposal. Discussions took place with the applicant to agree design and methodology changes to ensure these comments were addressed.

10.6 The MMO considered the representations raised, the applicant's responses and the information supplied in the formal application, in its determination of this Order. The MMO was satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour. Full details of the consultation can be found in the decision letter at: https://www.gov.uk/government/publications/ilfracombe-harbour-revision-order

10.7 A hard copy of the consultation is available on application to the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH.

11. Guidance

11.1 The MMO does not propose to issue guidance in respect of the effects of the Order. However, the applicant will publish particulars, and serve copies, of the Order in accordance with paragraph 24 of Schedule 3 to the Act.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because there is no, or no significant impact predicted on businesses, charities, voluntary bodies or the public sector.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 Whilst the MMO will not actively monitor the operation of the provisions introduced by the Order, it will consider any representations received in this respect and will take these into account in the future exercise of its powers.

14.2 If the works on the new harbour wall and new slipway are not substantially commenced within five years of the making of this Order (or such extension of time as the Secretary of State may allow) then the power to construct or maintain those works will cease to have effect.

15. Contact

15.1 The Instrument is made by the MMO exercising powers delegated by the Department for Transport: Melissa Gaskell-Burnup at the Marine Management Organisation. Telephone: 0208 2258268 or email: harbourorders@marinemanagement.org.uk can answer any queries regarding the instrument.

15.2 Trudi Wakelin, Director of Marine Licensing and Planning for the Marine Management Organisation, can confirm that this Explanatory Memorandum meets the required standard.

15.3 John Tuckett, Chief Executive Officer at the Marine Management Organisation can confirm that this Explanatory Memorandum meets the required standard.