



Planning Act 2008

2008 CHAPTER 29

PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

Miscellaneous

145 Harbours

- (1) An order granting development consent may include provision for the creation of a harbour authority only if—
 - (a) the development to which the order relates is or includes the construction or alteration of harbour facilities, and
 - (b) the creation of a harbour authority is necessary or expedient for the purposes of the development.
- (2) An order granting development consent may include provision changing the powers or duties of a harbour authority only if—
 - (a) the development to which the order relates is or includes the construction or alteration of harbour facilities, and
 - (b) the authority has requested the inclusion of the provision or has consented in writing to its inclusion.
- (3) An order granting development consent may include provision authorising the transfer of property, rights or liabilities from one harbour authority to another only if—
 - (a) the development to which the order relates is or includes the construction or alteration of harbour facilities, and
 - (b) the order makes provision for the payment of compensation of an amount—

Status: This is the original version (as it was originally enacted).

- (i) determined in accordance with the order, or
 - (ii) agreed between the parties to the transfer.
- (4) An order granting development consent which includes provision for the creation of a harbour authority, or changing the powers or duties of a harbour authority, may also make other provision in relation to the authority.

This is subject to subsection (6).

- (5) Subject to subsection (6), the provision which may be included in relation to a harbour authority includes in particular—
- (a) any provision in relation to a harbour authority which could be included in a harbour revision order under section 14 of the Harbours Act 1964 (c. 40) by virtue of any provision of Schedule 2 to that Act;
 - (b) provision conferring power on the authority to change provision made in relation to it (by the order or by virtue of this paragraph), where the provision is about—
 - (i) the procedures (including financial procedures) of the authority;
 - (ii) the power of the authority to impose charges;
 - (iii) the power of the authority to delegate any of its functions;
 - (iv) the welfare of officers and employees of the authority and financial and other provision made for them.
- (6) The order may not include provision—
- (a) which, by virtue of any other provision of this Act, is not permitted to be included in an order granting development consent;
 - (b) conferring power on a harbour authority to delegate, or makes changes to its powers so as to permit the delegation of, any of the functions mentioned in paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964.