

EXPLANATORY MEMORANDUM TO
THE POOLE HARBOUR (WORKS) REVISION ORDER 2015

2015 No. 1390

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 Poole Harbour Commissioners (“the Commissioners”) to create a new deep water quay, strengthen, extend and deepen the existing conventional quays within the port, reclaim land to create additional land adjacent to these new and extended quays and reconstruct two roll-on roll-off berths.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The Commissioners are the statutory harbour authority for the Harbour. They operate under Poole Harbour Acts and Orders 1914 to 2012.

4.2 The Commissioners applied to the MMO on 6 June 2014 for the Poole Harbour Revision (Works) Order 2015 (“the Order”) to be made under Section 14 of the Harbours Act 1964 (“the Act”).

4.3 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’s functions under Section 14 of the Act to the MMO except in relation to specified applications.

4.4 In accordance with paragraph 4 of Schedule 3 to the Act the MMO concluded that the project related to a project falling within Annex II to Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment and was 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 Commissioners of its decision under paragraph 6 and gave an opinion in respect of the extent of the information required to be supplied in an environmental statement accompanying the application.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

- 7.1 The Order authorises five phases of development to create a new deep water quay, strengthen, extend and deepen the existing conventional quays within the port and reclaim land to create additional land adjacent to these new and extended quays. The final phase of works will comprise the reconstruction of the two existing roll-on roll-off berths.
- 7.2 For many years the ferry trade provided the port with its core business. Much reduced passenger and vehicle numbers in recent years are witness to a general decline in ferry business in Poole and other south coast ports. Whilst other trades, notably dry bulk cargoes, have increased in importance, in order to provide long-term security for the port it is necessary to enhance its capability to accommodate a wider range of trades. If investment is not made in additional and deeper berths and additional land behind the quays for the port's core business, there is a significant risk that the port will be left behind as the trend towards larger vessels leads to a shrinking market for its services
- 7.2 The Commissioners ability to respond to the challenges and opportunities it faces, notably the maritime trend for larger and deeper draught vessels, is currently constrained by the limitations of its internal infrastructure, specifically the depth and length of its quays. The Commissioners need to be able to respond quickly and efficiently to changing market demands if the port is to remain competitive.
- 7.3 The works described in the Order will provide long term security for the port and its employees and safeguard existing jobs on the port estate and local areas. The anticipated increase in the volume and diversity of trades attracted to the new and improved facilities will also provide new development employment opportunities.

8. Consultation outcome

- 8.1 In accordance with paragraph 10 of Schedule 3 to the Act a notice was placed in the London Gazette and in the Daily Echo detailing the application for the Order and how any objections or representations may be registered. The MMO received one objection to the Order within the statutory period of forty-two days provided for in Schedule 3 of the Act.

9. Guidance

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

10. Impact

- 10.1 The MMO considers the impact on business, charities or voluntary bodies to be minor.
- 10.2 The impact on the public sector is nil.
- 10.3 An Impact Assessment has not been prepared for this instrument. The MMO considers the impacts to be minor.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 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.

13. Contact

- 13.1 Mark Kirby at the Marine Management Organisation email:
Mark.Kirby@marinemanagement.org.uk