

Pre-application Public Consultation

Proposed Littlehampton Harbour Revision Order

Background and purpose

Littlehampton Harbour Board ('the Board') is proposing to apply for a harbour revision order to consolidate, modernise and extend the powers of the Harbour Board considered conducive to the efficient and economical operation, improvement, maintenance or management of the Harbour. As stated above over the last 40 years there has been a decline in number of commercial calls at Littlehampton Harbour. This problem has become particularly acute in the last few years, with only 5 commercial ships calling at the harbour during 2017/18, rising to 16 during 2018/19, (down from 300-400 per year in the period 1984 to 1990). The decline has largely been due to the trend for commercial operators to use ships larger than Littlehampton Harbour can accommodate and is a key problem faced by the harbour.

In addition, between 2016 and 2018, the Board was involved in litigation regarding the charging of 'ship' dues on pontoons. This matter has now been settled for a fraction of the original amount claimed, but nevertheless, the litigation and associated settlement significantly depleted the Littlehampton SHA's reserve fund. It also highlighted the difficulties for the Board in managing the harbour in the absence of modern local harbour legislation. During 2018 and 2019 section 31 Harbours Act 1964 challenges were also lodged with the Secretary of State (Department for Transport) against the harbour dues imposed on leisure vessels within the harbour for the 2018/19 and 2019/20 years. The Board is confident that it has a very strong case for the tariff levels that it charges, and they have been set with due regard to both its statutory duties and powers, and the policy guidance given by Government.

However, as stated in its initial response to the original section 31 challenge, the Board is aware that changes need to be made to try and place Littlehampton Harbour on a better financial footing long term. It also needs to significantly decrease its reliance on annual contributions / a precept paid to the Board by two local authorities (Arun District Council and West Sussex County Council) under the provisions of the West Sussex County Council Act 1972, whilst setting dues and charges at rates that allow current business to, ideally, expand and to attract new business and visitors to the harbour. To effect these changes, a Harbour Revision Order is required. It is therefore considered that it is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner that the current application is made to provide the Board with a set of modern flexible statutory harbour powers and to repeal those provisions of current local statutory harbour legislation that are dated, complex and in some cases no longer fit for purpose.

The modernised and additional powers include powers reflective of those contained in modern Harbour Revision Orders (HROs). Other HROs which contain some similar provisions include the Portland Harbour Revision Order 1997, the Poole Harbour Revision Order 2012, the Cowes Harbour Revision Order 2012 and the Dover Harbour Revision Order 2014. They include standard statutory harbour powers, such as the power to borrow, powers to dispose of and develop land, powers associated with charges (including deposits and liens associated with charges) and miscellaneous powers including a power to dredge, powers related to the licensing of moorings (including pontoons), works, repairs and dredging within the harbour, powers related to the removal of wrecks or other obstructions and various powers related to the carrying out of commercial activities by the Board both inside and beyond the statutory harbour limits.

The proposed HRO would consolidate and modernise existing local statutory harbour legislation and confer further modernised powers on the Board considered conducive to the efficient and economical operation, maintenance, management and improvement of Littlehampton Harbour.

The proposed HRO does not include any provisions that would authorise the charging of harbour dues ('ship dues') on stationary pontoons used for access to vessels. Such pontoons are not 'propelled or moved' and as such would not fall within the definition of a 'vessel'.

Pre-application consultation

The Board has already carried out initial consultation with Department for Transport and with West Sussex County Council and Arun District Council. The Board now wishes to undertake pre-application consultation with other stakeholders of Littlehampton Harbour. Further consultation is also ongoing with the Councils and the Department for Transport

The draft Harbour Revision Order is available [here](#), along with a link to the Government's [Ports Good Governance Guidance](#). Stakeholders when considering the draft HRO should also consider the Ports Good Governance Guidance as the Department for Transport has advised that the proposed HRO should reflect the requirements of the guidance.

The preapplication consultation will run for 28 days starting on Monday 5th August and closing at 5pm on Sunday 1st September. Consultation responses must be made in writing and should be emailed to clerk@littlehampton.org.uk or posted to Clerk to the Board, Harbour Office, Pier Road, Littlehampton, West Sussex, BN17 5LR. All consultation responses must be received in advance of the deadline.

In addition, **the Board is running a stakeholder drop in day at Arun Civic Centre on Tuesday 13th August 2019 between the hours of 1000 and 1600.** Stakeholders are invited to drop in throughout the day at their convenience to ask questions about the proposed HRO.

Formal application process

The application fees for making a Harbour Revision Order application look likely to increase significantly on 1 October 2019, from the current £4,000 to between £15,500 and £17,500. As such, following consideration of pre-application consultation comments and any appropriate amendments to the proposed HRO, it is the Board's intention to submit the application for the proposed HRO to the Marine Management Organisation in advance of the 1 October 2019 fee increases (probably in the middle of September to ensure that the HRO application is validated and the application fee paid ahead of the 1 October 2019).

As part of the formal application process, the Marine Management Organisation will run a 42-day public consultation. The consultation will be advertised in a local newspaper and the London Gazette. As such there will be a further opportunity to provide comments on the proposed HRO direction to the Marine Management Organisation once the application is made.