

Thurnham with Glasson Parish Council

Harbour Revision Order: Port of Lancaster HRO/2022/00008

Parish Council comments and points to be addressed in the Order

This is a long and detailed Harbour Revision Order, designed in part to put local statutory regulation in place where other legislation is being repealed. It is outside the capability of the Parish Council to comment on the specifically maritime issues. However, Lancaster Port at Glasson Dock has considerable impact on the local community and local area, both as a direct employer and as the catalyst for a range of other employment opportunities, and as industrial neighbour within a residential, heritage, and environmentally valuable setting. The ten points of comment on the Harbour Order given below reflect these interests, and we would like to see our comments addressed in changes to the order where appropriate. There is also a short appendix setting out points raised by residents which should be considered.

1. The Port has a seagate to the dock which is an important part of the flood defences for the area. It is important that the Port Commission has a positive strong relationship with the Environment Agency, and that the port is enjoined to maintain, repair, and manage the seagate appropriately. This should be recognised within the Harbour Revision Order.
2. The port at Glasson Dock, as it currently is, is very small, and the numbers of vessels using it is also small. Previous Harbour Orders have been focussed and relatively easy to understand. The extent and complexity of this Harbour Revision Order, and the schedule of byelaws, seem more suited to a large port with a great deal of activity and complex relations with users and others. If this revision Order were reduced to focus more on the actual activities of the port, rather than trying to take every possible eventuality for any port into account, it would be much simpler, easier to understand, and the real needs and duties of the port could be emphasised.
3. The description of the port jurisdiction in Section 4 is of a very large area from part of Morecambe Bay to what is described as the A6 road bridge in Lancaster. (We take it that this refers to Skerton Bridge, although the Lune is tidal up to the weir above Skerton bridge.) This includes a quay owned by the Port Commission in Lancaster. The drafting of this section should be clarified as we are unsure whether this area is defined as jurisdiction as harbour authority or whether it is all 'the port' as the second part of the first sentence seems to imply. Neither would appear to be correct at present. While it may historically have been entirely reasonable for

navigational and commercial purposes to describe this area as under the jurisdiction of the harbour master it does not seem reasonable now to describe it as 'the port'. If this whole area is the port, and the port can establish byelaws "within the port" as in Schedule 1, then the port could, among other things, regulate regattas or other public events on the River Lune. Indeed, it might be responsible for overseeing the use of jet skis and other leisure craft on the Lune, well away from the main port premises in Glasson Dock. A harbour is defined by the Harbours Act 1964 as any natural or artificial harbour, any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships. No sea-going ships navigate the Lune inland from Glasson Dock. As it is unclear from Section 4 just what 'the port' refers to, and where the harbour rights should be, this could be a weakness in the Order as a whole, and we would recommend that this point should be investigated and the size and scale of the port and harbour within the Order should be considerably reduced.

4. When the order says that the Commission 'must' do something, how is that checked and controlled ? For example, in Section 5(3) it says the Commission 'must formulate a business plan'. In Section 20 (4) the Commission 'must keep and make available for inspection' a public register of all in force general directions and in Section 31 the Commission 'must establish one or more advisory bodies which the Commission must consult'. These 'must meet twice a year' and there 'must be a scheme' for appointing people to them.

In the last 2003 Harbour Revision Order the commissioners were required to make the annual statement of accounts available to a member of the public who asked to see them and also to send them to Lancashire County Council. They have not done so. In July 2022 the Commission refused access to the accounts, but did grant access in July 2023 after having been contacted several times. It is unclear what recourse is available if it is realised that the Commission is not carrying out the tasks it 'must' carry out. This should be clarified within the Order.

5. The proposal that the Commission must have advisory bodies, with a scheme for appointing people to them, is very welcome, and it is good to see in the notes that this is to allow the commission to comply with guidance on stakeholder relations. Local residents and businesses would value further engagement and a wider range of stakeholders could provide robust advice to the Commission. However, it would be important to have clarity within the Order on how this is to be monitored and enforced, if necessary. As we are concerned about the local environment, the needs of local residents, and the neighbourliness of the port commission, it would also be helpful to have within the Order guidance and direction on how the members of advisory committees are to be determined.

6. The requirement for the Commission to formulate and publish a business plan in relation to its maintenance, conservation, operation, management and improvement of the port, is welcomed. It is not clear what 'publish' means in this context and it

would be helpful to have this clarified. Local residents would like to know what the Port's plans are, and if they were to be published in a locally accessible form this would prevent rumour based on misinformation and would help to develop strong positive local relationships with the port.

7. While the Order makes it clear that the Commission is a body corporate (p29), there is a considerable lack of clarity on who the commissioners should be, and what the relationship is between management and governance. The 2003 Harbour Revision order concerned the constitution of the Port Commission and the commissioners but this does not seem to have been updated and clarified in the current (2022/3) revision.

We understand that the auditors' responsibilities for the audit of financial statements of the Port Commission include enquiring of management and those charged with governance about fraud, and review of the minutes of meetings of management and those charged with governance. However, while the Harbour Master is an employee of the Commission, the CEO is both a commissioner and an employee, and some of the other commissioners may be partly employed, or work for the port on a consultancy basis. It is not clear how management and governance are separated. Other commissioners seem to represent interests, such as that for leisure sailing, but the nature of the representation and the people represented is unclear. It would be helpful if the composition of the Commission, the methods for selecting commissioners, and whether or not the Commission is concerned with governance and is independent of Port management, could be clarified in the Order.

8. The Harbour Order reaffirms that the land within the port premises boundary is operational land. While this means that the relationship to planning processes is clearly stated it is not the case that this removes the port's obligations in relation to pollution, noise, and other characteristics of industrial operations which can be addressed by the local authority. It also means that the area of operational land needs to be clearly and correctly defined, and agreed with Lancaster City Council.

The Port should not be including in its premises any area which has not been previously recognised as Port land. It should also not be including within this Order any area which is in dispute with Lancaster City Council or where there are discussions over rights of way, including with Lancashire County Council, as this could prejudice the outcomes of such disputes or discussions.

Where the Port is seeking to be able to 'alter, extend, demolish and reconstruct' buildings within the Port premises (Section 5.2) it should be noted that there are listed structures within the port and the port itself is a scheduled monument. The Port Commission cannot have the right to demolish structures or to make alterations which are not constrained by these heritage aspects.

9. We are unclear about the purposes of sections 32 and 35 in which the Commission may set up a company to develop land, and a company for 'carrying on at any place a trade or business of any kind' which is conducive to improving the economy of the Port. Any such companies will have powers to do things which the commission does not have power to do. This appears to give the Commission enormous scope to do anything it wishes. The controls on whether such activities are indeed conducive to the best interests of the Port are unclear and should be specified within the Order.

10. In Section 51 the Commission is asking for the right to remove vehicles from Port land and, depending on circumstances, to notify the police or the DVLA. If the Port's parking areas have adequate signs, and have clear control of access, this should not be necessary. If access is not properly controlled then the port's security could be weakened. The port has in the past removed vehicles from unfenced Port land, and the inclusion of this section would suggest that the port was acting outside its powers at that time. The Harbour Order should give a clear positive description of the port's obligations around security of vehicle access and parking.

On behalf of Thurnham with Glasson Parish Council
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Appendix 1.

As a parish council we do not have expertise in the legal and other details around the extent of the port premises. However, we have been asked to bring forward the following points of objection to the current plans. We are not making any judgement as to the accuracy of these claims but believe that where there is uncertainty about the extent and use of Port land these questions should be resolved before the Harbour Order is approved.

1. The area of land next to the Dalton public house does not have current operational permits.
2. The area of land at the rear of Railway cottages does not have current operational permits.
3. The area of land in front of the Caribou was outside the original dock gate and boundary markers and does not have current port operational permits.
4. The original port limits were up to mean high water level and not the common land area cl 135 salt marsh and cl 138 Glasson salt marsh as claimed.
5. The steps at the rear of the Victoria public house giving access to the common land area cl 135 are outside the original port premises boundary and not as shown on the plan.
6. Grazing rights for sheep and followers over CL135 are not held by the Port.
7. Rights of way should be clarified and fully established on any areas included in Port premises
8. Objection to the current policy of refusing access to the dock to private sailing vessels who have had the rights since the dock was built.