

Department for
**Regional
Development**

www.drdni.gov.uk

To All Consultees

Transport Policy, Strategy & Legislation Division

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Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Telephone: (028) 9054 0802
Facsimile: (028) 9054 0604
Email: Anne.McKeating@drdni.gov.uk

Your reference:
Our reference: RPD/6/3/15/1
Date 3rd March 2016

Dear Consultee

**PROPOSAL FOR DONAGHADEE (HARBOUR AREA) ORDER
(NORTHERN IRELAND) - A CONSULTATION PAPER**

The Department for Regional Development proposes to introduce legislation to fix the area at Donaghadee Harbour within which the powers of Ards and North Down Borough Council as the local harbour authority, and of its officers may be exercised and within which any dues leviable may be charged.

Enclosed for your information, in respect of the proposal are the following:

- A note setting out the background to the proposal;
- A copy of the proposed Donaghadee (Harbour Area) Order;
- The Explanatory Note;
- A map showing the new fixed harbour limits at Donaghadee; and
- The list of consultees.

The Department would welcome any comments you may care to make on the proposed legislation, with particular regard to the potential impact it may have on equality of opportunity, human rights issues, rural impact and implementation costs. If you consider that this consultation should be copied to other interested parties, with whom we have not consulted, please contact me as soon as possible and I will ensure their inclusion.

The Department tries to make its consultation procedure as thorough and open as possible. Following the end of the consultation we may publish details of the responses received. Information you provide in your response, including **personal information**, may be published or disclosed in

accordance with access to information legislation: these are chiefly the Freedom of Information Act 2000 (FOIA); the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR). If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

For further information about the confidentiality of responses please contact the Information Commissioner's Office or email ni@ico.gsi.gov.uk or see web site at: www.ico.org.uk.

An electronic copy of the Consultation Paper is available on the Department's Web Site at <https://www.drdni.gov.uk/consultations/donaghadee-harbour-area-order-northern-ireland-2016>. This document is available in a range of formats, please contact us with your requirements

Comments, on the proposed Order should be made in writing and may be forwarded electronically via e-mail to me at anne.mckeating@drdni.gov.uk or, alternatively, via post to Ms Anne McKeating, Department for Regional Development, Transport Policy, Strategy & Legislation Division, 3rd Floor, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB.

The closing date for receipt of all responses is 4.00pm on Friday, 27th May 2016.

Yours faithfully

Anne McKeating

Anne McKeating
Transport Policy, Strategy & Legislation Division



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**Regional
Development**
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PROPOSAL FOR A DONAGHADEE (HARBOUR AREA) ORDER (NORTHERN IRELAND)

A CONSULTATION PAPER

**Transport Legislation Branch
3rd Floor
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Contents

A Note setting out the Background to the proposal

Copy of the proposed Donaghadee (Harbour Area) Order (Northern Ireland)
2016

The Explanatory Note

Map showing the new fixed harbour limits at Donaghadee Harbour

List of Consultees

Background to Modernisation of Donaghadee Harbour

As part of the Review of Public Administration programme the Department transferred the harbour undertaking at Donaghadee to the newly constituted North Down and Ards District Council (now known as Ards and North Down Borough Council). The transfer took place on 1st April 2015 and was achieved by the introduction of the Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015 (S.R. 2015 No. 22).

Following the transfer, the Council needs to re-establish the harbour limits by promoting a harbour order under section 10(2) of the 1970 Act. The attached Harbour Order will achieve this aim and will allow the Council and its officers to continue to carry out their functions and charge dues at Donaghadee Harbour. The Council previously agreed a date of 1st October 2016 to allow them time to review the extent of the harbour limits and their jurisdiction, before the new Order comes into operation.

The Department's role following the transfer of the harbour to the Council is the same as that applying to all other harbours whether they be, trust ports, the privately-owned Port of Larne or local authority harbours. The Department retains the strategic responsibility for the development and implementation of ports policy, and sets the overall legislative framework for ports and harbours.

In addition, the Department continues to take the policy lead on the implementation in ports and harbours of relevant UK-wide or EU marine legislation.

The proposed draft Donaghadee (Harbour Area) Order (Northern Ireland) 2016, setting out the proposed limits for the Harbour is attached for your information and consideration.

2016 No. ***

HARBOURS

Donaghadee (Harbour Area) Order (Northern Ireland) 2016

Made - - - - - **** 2016

Coming into operation - - - - - **** 2016

The Department for Regional Development⁽¹⁾ in exercise of the powers conferred by section 10(2) of the Harbours Act (Northern Ireland) 1970⁽²⁾, and now vested in it⁽³⁾ and having received an application from Ards and North Down Borough Council⁽⁴⁾ makes the following Order:

Citation and commencement

1. This Order may be cited as the Donaghadee (Harbour Area) Order (Northern Ireland) 2016 and shall come into operation on *** 2016.

Harbour Area

2.—(1) The area at Donaghadee Harbour within which the Ards and North Down Borough Council and its officers may exercise their powers and the area within which any dues for the time being leviable may be charged, shall be that area shown on the map bounded by—

- (a) a straight line drawn from reference point A (Latitude 54⁰ 38.70 North, Longitude 05⁰ 32.33 West) (Shore Street Baths) to reference point B (Latitude 54⁰ 39.00 North, Longitude 05⁰ 31.81 West);
- (b) a straight line drawn from reference point B (Latitude 54⁰ 39.00 North, Longitude 05⁰ 31.81 West) to reference point C (Latitude 54⁰ 38.80 North, Longitude 05⁰ 31.36 West);
- (c) a straight line drawn from reference point C (Latitude 54⁰ 38.80 North, Longitude 05⁰ 31.36 West) to reference point D (Latitude 54⁰ 38.50 North, Longitude 05⁰ 31.78 West) (Dormans Point);
- (d) and on its landward sides by the level of high water from reference point D (Latitude 54⁰ 38.50 North, Longitude 05⁰ 31.78 West) (Dormans Point), extending in a westerly direction to reference point A (Latitude 54⁰ 38.70 North, Longitude 05⁰ 32.33 West) (Shore Street Baths);

together with all docks, landing places and other works and land of the Ards and North Down Borough Council for the time being held by them for the purposes of or in connection with the harbour of Donaghadee.

(2) In this Article “the map” means the map marked “Donaghadee (Harbour Area) Order (Northern Ireland) 2016” which has been signed and sealed by the Department with reference to this Order and deposited at the office of the Department for Regional Development at Clarence

(1) S.I. 1999/283 (N.I.) Article 3(1)
(2) 1970 c. 1(N.I.)
(3) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV.
(4) Council name has changed – see S.R. 2016 No. 10

Court 10-18 Adelaide Street, Belfast BT2 8GB and at the offices of the Ards and North Down Borough Council, Town Hall, The Castle, Bangor, BT20 4BT.

Sealed with the Official Seal of the Department for regional Development on *** 2016.



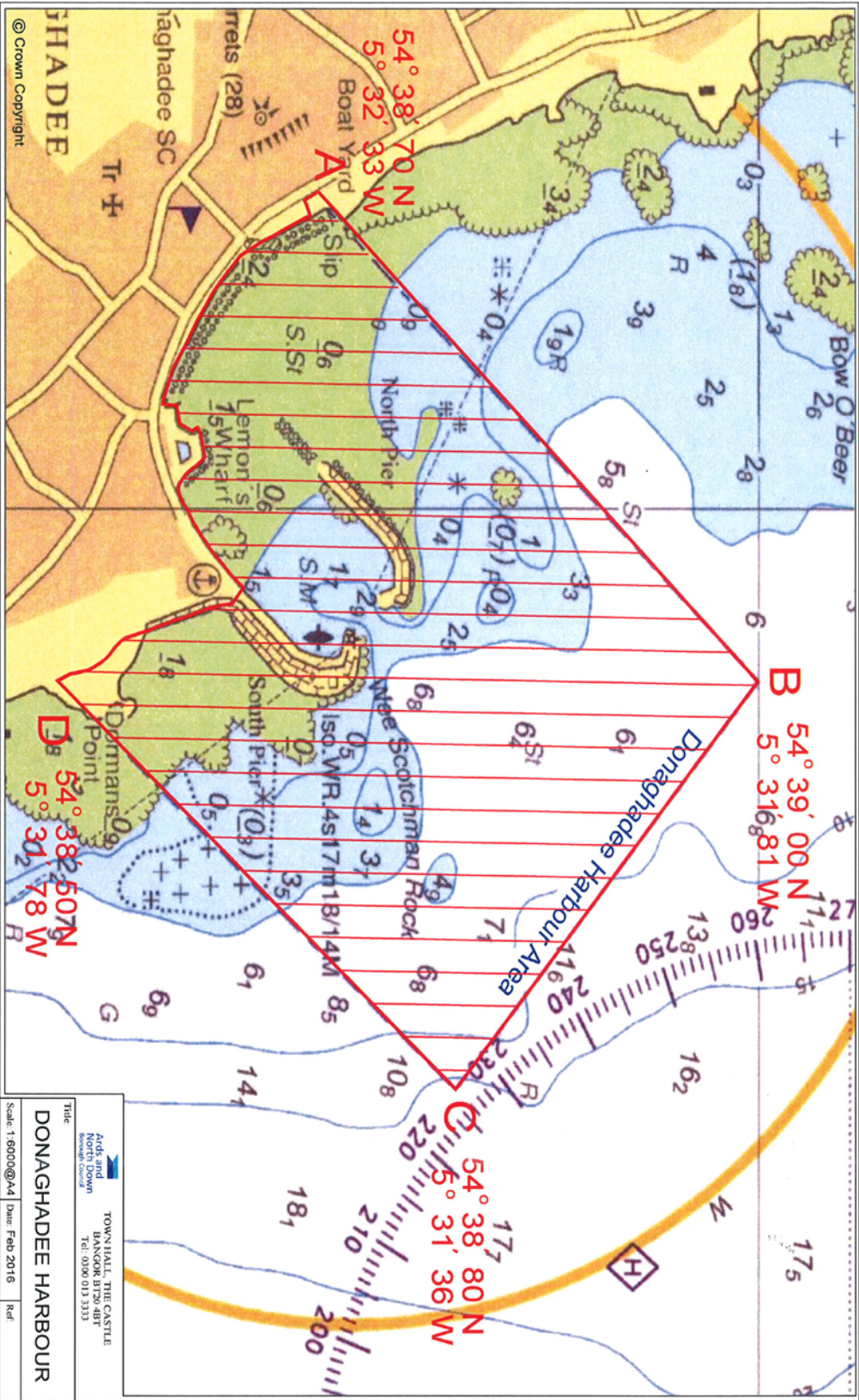
Tom Reid
A senior officer of the Department for Regional Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order fixes the area at Donaghadee Harbour within which the powers of Ards and North Down Borough Council as the local harbour authority and of its officers may be exercised and within which any dues leviable may be charged.

A map showing the harbour area is available for inspection at any reasonable hour at the office of the Department for Regional Development, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB and at the offices of the Ards and North Down Borough Council, Town Hall, The Castle, Bangor, BT20 4BT.



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Title
 Adge and
 North Down
 Borough Council
 TOWN HALL, THE CASTLE
 BANOOK BROS. ART
 BANGOR BROS. ART
 Tel: 0300 012 3533
DONAGHADEE HARBOUR
 Scale: 1:6000@A4 Date: Feb 2016 Ref:

LIST OF CONSULTEES

- Ards and North Down Borough Council
- Department for Transport
- Department of the Environment (NI)
- Northern Ireland Environment Agency
- Crown Estates Commissioners
- Maritime and Coastguard Agency
- The Commissioner for Irish Lights
- Donaghadee Sailing Club
- Donaghadee Commerce and Development Group
- Royal National Lifeboat Institution
- Members of the Legislative Assembly
- Northern Ireland Political Parties & Westminster representatives
- Those bodies listed in the Department's Equality Scheme and identified as being suitable Consultees