

09 July 2026

Derek Johnson

Our Ref: TJF/LMM/003974-00296

Email: marine@ashfords.co.uk

By email only: derekmjohnson68@gmail.com

Dear Derek Johnson

Port of Exeter Harbour Revision Order

We act for Exeter City Council ("**the Council**") in relation to the proposed Port of Exeter Harbour Revision Order ("**the proposed HRO**") for the Port of Exeter ("**the Port**"). Following the close of the public consultation period on 23 November 2025, the Marine Management Organisation ("**the MMO**") has passed us a copy of the representation that you submitted dated 23 October 2025 ("**the Representation**"). We are contacting you in response.

Collection of Ship, Passenger and Goods Dues

Although the Council does not currently levy goods dues at the Port or ship dues outside of Exeter Ship Canal, it already has the power to levy such ship, passenger and goods dues as it thinks fit under section 26 of the Harbours Act 1964. This is already the case regardless of the introduction of the proposed HRO i.e., a significant proportion of existing users of the Port could already be subject to any ship, passenger and goods dues levied by the Council under section 26 of the Harbours Act 1964.

The Council considers it is important to the Port's future viability that all its users contribute to the cost of the management and maintenance of it.

Under article 10 of the proposed HRO, there is a modern power to levy the equivalent of ship, passenger and goods dues in relation to vessels within the port limits which are not 'ships' (such as jet bikes or jack-up barges and smaller craft such as paddleboards). This provision is consistent with similar powers contained in other HROs, for example the Cornwall Harbours Harbour Revision Order 2023 which applies to 10 different local authority harbours throughout Cornwall.

The proposed HRO does not itself introduce any charges, but the starting point for the proposed HRO was that each port user should contribute to the overall cost of running the Port, thereby reducing the burden on any particular group. If certain port users are exempt from charges, then there is a smaller pool of port users on which to impose charges. This means that other port users are likely to end up paying higher charges than they would if charges could be levied on a wider class of people.

If the Council decides to introduce additional charges in the future (it has no current plans to do so), all the implications would be considered including any financial implications on port users and businesses and the level of charges set by other statutory harbour authorities ("**SHAs**") (it will not always be appropriate to match the charges of other SHAs because they are specific to each port).

Section 31 of the Harbours Act 1964 contains a statutory right of challenge to the Secretary of State in respect of such dues. The setting of charges under article 10 of the proposed HRO is also safeguarded by section 31 of the Harbours Act 1964. However, the amount of ship, passenger and goods dues or other charges is a separate future topic (they do not relate to the proposed HRO because it does not set the level of them). In addition, the majority of charges are not set under the proposed HRO but would be levied under section 26 of the Harbours Act 1964 (the Council already has the power to levy these charges).

As set out in paragraph 4.21 of the Ports Good Governance Guidance, the Council needs to be able to raise sufficient revenue to meet its statutory obligations for the safe and efficient operation of the Port, as well as other statutory obligations including in relation to conservancy.

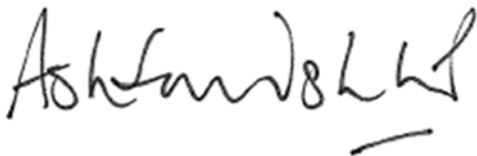
Next Steps

We draw your attention to the MMO's guidance in relation to objections or representations available at <https://www.gov.uk/guidance/submitting-objectionsrepresentations-to-harbour-orders>.

Insofar as the Representation relates to the proposed HRO, the Council hopes that the clarifications and explanations set out in this letter might enable you to contact the MMO to withdraw the Representation. The Council does not consider that any other points raised relate to the proposed HRO and these points have therefore not been responded to above. However, the Council would be happy to continue discussing those points with you outside of the consultation process.

If you do not respond within 6 weeks from the date of this letter, we will then pass all correspondence to the MMO for consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ashfords LLP', with a horizontal line underneath the final 'P'.

Ashfords LLP