

[News story: Judicial Review supports Brighton Marina licence decision](#)

A decision by the Marine Management Organisation to grant a marine licence relating to development in Brighton Marina has been upheld in the High Court following a Judicial Review.

On Friday 23 June the Hon. Mr Justice Holgate handed down his judgement at the High Court, London, following a hearing which took place on 22 and 23 March 2017. In doing so he concluded the MMO had fulfilled its obligation under section 69(1) of Marine and Coastal Access Act 2009 (the 2009 Act) 'admirably'.

In bringing a Judicial Review lawyers acting on behalf of a local resident challenged the way in which the MMO reached its decision in February 2016 to grant a marine licence for phase 2 of the development under section 71 of the 2009 Act.

Lawyers claimed that MMO had acted unlawfully in giving consent to the Brighton Marina Company Limited whose subsidiary, the Outer Harbour Development Company Partnership LLP, is carrying out the development. In particular they argued that MMO failed to consider whether phase 2 of the Brighton Marina development would amount to an actionable interference with public rights of navigation.

They also claimed that in instances where works unlawfully interfere with public rights of navigation MMO is not empowered to issue a marine licence unless a harbour revision was also made, extinguishing public navigation rights or permitting interference with the same.

The judgement

In his judgement Mr Justice Holgate stated that 'the Claimant's argument involves a fundamental misunderstanding of MCAA 2009, and of section 69(1) in particular...' finding that MMO had gone to 'substantial lengths to collect evidence on the relevant navigation issues' and 'had consulted and re-consulted on the relatively narrow points raised by the claimant'.

The judgement made clear that the MMO's decision that the proposed activities would not interfere with navigation or safety of navigation in the entrance to the marina so as to justify refusing the application was a correct application of the relevant legislation. It also set out that 'there was no statutory requirement or need to consider whether the effect on public rights of navigation would also be actionable'.

The judge also denied the claimant the right to appeal the judgement.

More information

The marine licence and related documents are available to view on the [public register](#) (case reference MLA/2015/00349/2). The MMO has also updated the relevant [selected cases page](#) of its website.

The Judicial Review process considers the lawfulness of a decision or action made by a public body. They are a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. More information about the Judicial Review process is available on the [Courts and Tribunals Judiciary website](#).

[News story: Judicial Review supports Brighton Marina licence decision](#)

A decision by the Marine Management Organisation to grant a marine licence relating to development in Brighton Marina has been upheld in the High Court following a Judicial Review.

On Friday 23 June the Hon. Mr Justice Holgate handed down his judgement at the High Court, London, following a hearing which took place on 22 and 23 March 2017. In doing so he concluded the MMO had fulfilled its obligation under section 69(1) of Marine and Coastal Access Act 2009 (the 2009 Act) 'admirably'.

In bringing a Judicial Review lawyers acting on behalf of a local resident challenged the way in which the MMO reached its decision in February 2016 to grant a marine licence for phase 2 of the development under section 71 of the 2009 Act.

Lawyers claimed that MMO had acted unlawfully in giving consent to the Brighton Marina Company Limited whose subsidiary, the Outer Harbour Development Company Partnership LLP, is carrying out the development. In particular they argued that MMO failed to consider whether phase 2 of the Brighton Marina development would amount to an actionable interference with public rights of navigation.

They also claimed that in instances where works unlawfully interfere with public rights of navigation MMO is not empowered to issue a marine licence unless a harbour revision was also made, extinguishing public navigation rights or permitting interference with the same.

The judgement

In his judgement Mr Justice Holgate stated that 'the Claimant's argument involves a fundamental misunderstanding of MCAA 2009, and of section 69(1) in

particular...' finding that MMO had gone to 'substantial lengths to collect evidence on the relevant navigation issues' and 'had consulted and re-consulted on the relatively narrow points raised by the claimant'.

The judgement made clear that the MMO's decision that the proposed activities would not interfere with navigation or safety of navigation in the entrance to the marina so as to justify refusing the application was a correct application of the relevant legislation. It also set out that 'there was no statutory requirement or need to consider whether the effect on public rights of navigation would also be actionable'.

The judge also denied the claimant the right to appeal the judgement.

More information

The marine licence and related documents are available to view on the [public register](#) (case reference MLA/2015/00349/2). The MMO has also updated the relevant [selected cases page](#) of its website.

The Judicial Review process considers the lawfulness of a decision or action made by a public body. They are a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. More information about the Judicial Review process is available on the [Courts and Tribunals Judiciary website](#).

[Press release: 18th century drawing of Schmadribach Waterfall at risk of leaving the UK](#)

A drawing of the Schmadribach Waterfall is at risk of being exported from the UK unless a buyer can be found to match the asking price of £68,750.

Arts Minister John Glen has placed a temporary export bar on the drawing, by Austrian Romantic artist Joseph Anton Koch, to provide an opportunity to keep it in the country.

The preparatory study was made for J.A. Koch's most celebrated composition, The Schmadribach Waterfall near Lauterbrunnen, which is famed for its spectacular scenery.

Dating from around 1793, the work is typical of the highly precise studies Koch made for compositions, using black chalk and heightening the contours in black ink.

The drawing is an important work by a major figure of early 19th century

painting. Koch's depictions of Switzerland were extremely influential and helped to popularise Alpine scenery among European artists.

He was especially popular with British collectors during his lifetime, but only seven of his drawings remain in UK public collections.

Arts Minister John Glen said:

This striking study for Joseph Anton Koch's most celebrated landscape shows why this leading Romantic painter was so highly regarded by British artists.

I hope that a buyer comes forward to help keep it in the UK so that more people can learn about this artist's creative process and the development of his art.

The decision to defer the export licence follows a recommendation by the Reviewing Committee on the [Export of Works of Art and Objects of Cultural Interest \(RCEWA\)](#), administered by The Arts Council.

RCEWA member Lowell Libson said:

Joseph Anton Koch is a pivotal figure in the European Romantic movement at the turn of the eighteenth and nineteenth centuries and enjoyed a significant relationship with British patrons and collectors who particularly appreciated his 'heroic' Alpine landscapes.

Very few of Koch's many important works originally in British collections now remain in the UK. This unusually highly elaborate drawing was made in preparation for the painting that is considered to be his masterpiece.

The retention in this country of this beautiful and important drawing would greatly add to the way in which British institutions can tell the story of European Romanticism and of the development of British taste and patronage.

The RCEWA made its recommendation on the grounds of the drawing's outstanding significance for the study of Romantic landscape art and Swiss scenery.

The decision on the export licence application for the drawing will be deferred until 27 September 2017. This may be extended until 27 December 2017 if a serious intention to raise funds to purchase it is made at the

recommended price of £68,750 (plus VAT of £2,750).

Organisations or individuals interested in purchasing the drawing should contact the RCEWA on 0845 300 6200.

An image of the drawing can be downloaded via our [flickr site](#)

ENDS

For media information contact: Yasmin Kaye Communications Officer Department for Culture Media and Sport Tel: 0207 211 6489 Email: yasmin.kaye@culture.gov.uk

Notes to editors

1. Details of the drawing are as follows: The Schmadribach Waterfall near Lauterbrunnen, Switzerland A faint sketch of a mountainous landscape Black chalk, pen and black ink, lightly squared in black chalk, indented for transfer, 44.3 x 35.8cm (17 ½ x 14 1/8 in.) Dated around 1793 The drawing is un-faded and in good condition for a work of its date and technique
2. Collection of Brian Sewell (1931-2015); his sale, Christies, King Street, London, 27 September 2016, lot 60 (estimate £20,000-30,000); sold at £68,750.
3. The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest is an independent body, serviced by The Arts Council, which advises the Secretary of State for Culture, Media and Sport on whether a cultural object, intended for export, is of national importance under specified criteria.
4. The Arts Council champions, develops and invests in artistic and cultural experiences that enrich people's lives. It supports a range of activities across the arts, museums and libraries – from theatre to digital art, reading to dance, music to literature, and crafts to collections. www.artscouncil.org.uk.

[Speech: Lord Callanan's keynote address to ABTA Travel Matters conference](#)

Introduction

I'm grateful for the opportunity to speak this morning (28 June 2017).

If there's one thing that ABTA seems to be good at, it's timing.

Last year you scheduled the Travel Matters conference on what turned out to be the day before the EU referendum.

I trust that gave you plenty to talk about.

This year's was timed even better:

- right after a general election
- just as we kick off formal Brexit negotiations with the rest of the EU
- and just in time – I am pleased to say – for me to deliver my very first speech to industry as a DfT minister

It's a real privilege to have been asked to serve in this role.

And at such an important time for our aviation and travel industries.

Right at the outset, I'd like to make something clear.

Amid all the change and inevitable uncertainty of the moment – and I'll talk more about that shortly – one thing isn't going to change.

This government will remain a pro-aviation, pro-travel government.

Before the election, the government had already set a clear direction.

One of its first actions last summer was to approve a [major expansion of City Airport](#).

Next we negotiated the first ever UN Security Council resolution on aviation security.

To confront the terrorist threat with all the co-operation, training and technical assistance available.

A month later, we [signed a deal with China](#) to allow many more flights between our countries.

We followed that up by announcing our support for a [new runway at Heathrow](#).

Then we ran a consultation on [modernising our airspace](#).

Let me be clear.

Our airspace is a piece of national infrastructure as important as our roads and railways.

I know that our proposals matter to this industry and we are grateful for your support.

A week after we began that consultation, we signed a deal in India to allow more flights between our countries.

Soon we'll be publishing a call-for-evidence for the government's aviation strategy – our plan for how we can best support the industry in future.

So the direction is clear: we're a government that recognises the vital importance of air travel to our country.

But we also recognise that this is a challenging time for the industry.

A year ago, the British people voted to leave the European Union.

And last week we began formal negotiations to do just that.

Now, I know that this industry wants certainty, and quickly.

So does the government.

So does the rest of the EU.

It'll be some time yet before we can deliver that certainty.

We've only had 1 full day of negotiations so far.

But what I can say is that the early signs are encouraging.

Michel Barnier – the European Commission's Chief Negotiator – said last week that an orderly UK withdrawal is his priority, along with an end to uncertainty .

And his concluding comment at the end of that first day of negotiation was that, and I quote:

For both the EU and the UK, a fair deal is possible and far better than no deal.

That is why we will work all the time with the UK, and never against the UK.

And as we proceed with those negotiations, securing the best possible access to European aviation markets is a priority.

And I believe we should be confident.

Our aviation market is the biggest in Europe.

You serve millions of EU nationals and every year carry millions of UK holidaymakers to EU destinations.

It's in the interests of the UK, the EU, European countries, and everyone who travels between them that we seek an open, liberal arrangement for aviation.

Of course, the final outcome will have to await the conclusion of negotiations.

Long-term prospects for aviation

But whatever happens, the long-term prospects for this industry are strong.

Earlier this year, PWC published a [detailed report](#), looking at how the global economic order will change by 2050 .

Their forecast is that:

- the UK will be the fastest growing economy of the G7 over the period to 2050
- we should grow faster than the EU average
- and that we should do better than other big economies, such as France and Germany

Clearly, that growth is going to create new demand for international travel.

But it is also predicated on more international travel.

As PWC's report makes clear future growth requires deeper links with the world's other fast-growing economies, many of which are not on our doorstep.

That's why in the years ahead the aviation and travel industries will be so vital.

That's why we were keen to sign those deals with China and India to allow many more flights between our countries. And that's why we took the decision to support a new runway at Heathrow.

Heathrow

Let me say a little more on that decision.

None of us like to see our airports being overtaken by competitors.

But that's what has increasingly happened in recent years.

Unless we get this runway built, that slide could continue.

Yet when built, it could increase passenger choice, lower fares, and give the UK room to grow our travel links for decades to come.

Of course, one reason we opted for Heathrow is its potential for strengthening our domestic links too.

That means strong surface access links – but also new domestic flights.

The years I spent working as a member of the European Parliament gave me a real appreciation for how domestic links serve international travel.

So it's good news that Heathrow Airport has promised 14 domestic routes, and that's what we'll make sure the airport delivers – for the good of the whole United Kingdom.

I'd also like to take this opportunity to thank everyone who responded to our [consultation on the draft airports national policy](#).

We're making good progress analysing those responses and will set out the next steps as soon as possible.

ATOL Bill

But finally, I'd like to touch on 2 regulatory issues that I know are of interest to the sector, both of which were addressed in the Queen's Speech.

First, the [Air Travel Organisers' Licensing Bill](#).

Every year, ATOL protects over 20 million people from losing money or being stranded if their tour operator goes out of business.

It's an important scheme, and it gives consumers confidence in this industry.

But in an evolving travel marketplace, we need to ensure the scheme keeps pace.

For instance, online booking means that customers have a wider choice of providers – including those based overseas.

Yet not every European travel provider is covered by the same level of protection.

That is why the EU is now updating its regulations.

To bring much of the rest of Europe closer to the model we have operated since we updated ATOL in 2012.

At the same time, it makes sense for us to harmonise our domestic regulations with those coming in across the EU – making it easier for you to trade across Europe.

That's what the ATOL bill will do.

It's a sign that, even as we ready to leave the EU, we will still be working in close partnership in the years to come.

I am grateful for the support we have already received from the industry on this.

And look forward to more of that support as the bill makes progress through Parliament.

Financial Guidance and Claims Bill

And finally, our [Financial Guidance and Claims Bill](#), which is being taken forward by the Department for Work and Pensions, should address a very current concern and one that I know you are discussing later today: false sickness claims.

Many claims of sickness are made following contact by claims management companies.

Now, it would be wrong to tar all such companies with the same brush.

The number of rogue operators may be relatively small.

And, in any case, the government will always remain firmly on the side of the passenger.

That is what the public would expect.

Genuine claimants must be protected.

But the evidence suggests that there is a real issue here.

In one recent year, almost a quarter of claims companies faced regulatory intervention of some kind.

And the public seems to agree that there's a problem.

A 2015 survey by the Legal Ombudsman found that over three quarters of people do not believe that claims companies tell the truth.

So our bill proposes to bring claims companies under the proper oversight of the Financial Conduct Authority for the first time.

It also provides the FCA with a new power to cap the fees that claims companies charge, protecting consumers and reducing the incentive for rogue firms to fuel exaggerated claims.

We think that giving the FCA these new powers should help tackle the worst of the behaviour we've seen.

I'd be very interested to hear the result of your discussion later today.

And the government would be grateful for your support as the bill progresses through Parliament.

Conclusion

But in conclusion, I'd like to repeat what I said at the beginning.

This is a pro-aviation, pro-travel government.

The country needs this industry.

For our economy and for the global links that you provide.

So I'll be a minister who wants to see this industry delivering.

Not just for our customers, but for the UK as a whole.

Thank you for your time.

[News story: Mark Field welcomes continued UK-China dialogue on human rights](#)

Following the conclusion of the regular talks, Minister Mark Field welcomed their contribution to the UK's relationship with China.

Minister for Asia and the Pacific Mark Field said:

I am pleased that the 24th Round of the UK-China Human Rights Dialogue has taken place. Senior officials discussed the full range of our human rights concerns, including freedom of expression, freedom of religion or belief, access to justice and ethnic minorities' rights. They also discussed areas where the UK and China could collaborate more closely, including modern slavery and women's rights.

The UK strongly believes that respect for human rights is vital for growth and stability, and that these regular talks are an important part of our relationship with China. The dialogue has, once again, been held in a constructive and open manner. I am grateful for the valuable contribution made by civil society organisations before and during this exchange.

The 23rd UK-China Human Rights Dialogue took place in October 2016 in London.

Further information