
STATUTORY INSTRUMENTS

2000 No. 1884

The Watchet Harbour Revision Order 2000

PART II

WORKS

Power to construct, etc., works

3.—(1) Subject to the provisions of this Order, the Council may (within the lines and situations shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections) construct and maintain in the harbour the whole or part of the following works:—

Work No. 1A

Reconstruction, repair and resurfacing of the existing slipway which gives access to the harbour and of the adjacent area forming a boat and trailer park commencing at point 307174 E 143423 N and terminating at point 307124 E 143445 N.

Work No. 1B

An impounding wall of solid construction commencing at point 307124 E 143445 N extending in a north-easterly direction until connecting with the Eastern Pier and terminating at point 307288 E 143514 N and having an overall length of 201 metres and an overall width of 5 metres and including a cill commencing at point 307250 E 143518 N and terminating at point 307254 E 143508 N incorporating a tidal gate structure.

Work No. 2

Concrete encasement of the south-western face of the existing sheet pile wall on the Eastern Pier commencing at point 307289 E 143512 N and terminating at point 307340 E 143463 N and having an overall length of 64 metres and of the north-western face of the East Wharf commencing at that point and terminating at point 307252 E 143362 N and having an overall length of 154 metres, together with remedial works to the surface of the East Wharf.

Work No. 3

Construction of a rock armour breakwater in the harbour from west to east between the south-eastern face of the Western Pier at point 307056 E 143500 N and the north-western face of the impounding wall (Work No. 1B) at point 307131 E 143453 N and north of the houses which front onto Market Street.

Work No. 4

Excavation of a trench and construction of a sediment disposal pipe 115 metres in length to be laid in the trench beneath the harbour bed running due north from its junction with Work No. 1B immediately south of the western limit of the Eastern Pier at point 307235 E 143501 N and terminating to the north and east of the eastern limit of the Western Pier at point 307240 E 143615 N.

Work No. 5

Construction of a concrete slipway 80 metres in length running along and abutting the south-eastern side of the Western Pier commencing at point 307041 E 143492 N and terminating at point 307101 E 143545 N with a gradient of 1:12.

Work No. 6

Deepening by way of dredging or excavation of the bed of the harbour where it forms the marina basin and at the entrance to the harbour formed by Western Pier and the Eastern Pier as shown by cross-hatching on the deposited plan.

(2) The Council may, within the limits of deviation, from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently the authorised works.

(3) During construction of the works Council shall implement the mitigation measures set out in Section 4 (Impact Assessment and Mitigation Measures) of the Environmental Statement.

Power to make subsidiary works

4. Subject to the provisions of this Order, the Council may from time to time within the limits of deviation erect, construct, lay down, place, remove, replace, work or use and maintain whether temporarily or permanently all such works, conveniences, appliances and apparatus and take such measures as they from time to time think fit for the purposes of, or in connection with or incidental to, the construction, maintenance and use of the authorised works or the accommodation or convenience of vessels thereat, including, without prejudice to the generality of the foregoing, pontoons, stagings, quays, jetties, piers, waterways, bridges, approaches, slipways, landing places, berthing heads, boat lifts, mooring posts, buoys, bollards, navigation marks and lights.

Power to deviate

5. In constructing the authorised works the Council may deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three metres upwards and to such extent downwards as may be found necessary or convenient.

Power to dredge

6.—(1) Subject to the provisions of this Order the Council may, for the purposes of constructing and maintaining the authorised works, from time to time deepen, dredge, scour, cleanse and improve the bed of the sea and foreshore of the harbour as adjoin or are near to the works.

(2) The Council may use, appropriate or dispose of any material (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1995(1)) from time to time dredged by them from the harbour.

(3) No material so dredged shall be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

Fine for obstructing works

7. Any person who intentionally obstructs any person acting under the authority of the Council in setting out the lines of the authorised works, or who interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale,

(1) 1995 c. 21.

and shall in addition be liable to repay to the Council as a debt any expenses incurred by them in making good such damage.

Licensing of works

8.—(1) The Council may upon such terms and conditions as they think fit grant to any person a licence (a “works licence”) to construct, alter, renew or extend any works in the harbour on, under or over tidal waters or tidal land below the level of high water, notwithstanding any interference with the public right of navigation or any other public right by such works as constructed, altered, renewed, or extended.

(2) Application for a works licence shall be made in writing to the Council and shall—

- (a) be accompanied by plans, sections and particulars of the works to which the application relates;
- (b) specify whether the applicant holds such rights in, under or over land as are necessary to enable him to enjoy the benefits of the licence and, if not, the action taken to enable him to obtain such rights if the licence is granted;

and, in granting a works licence, the Council may require modifications in the plans, sections and particulars so submitted.

(3) The Council may require an applicant for a works licence, on making his application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application.

(4) The Council may require a licensee, being an applicant to whom a licence has been granted or his successor, where works are constructed pursuant to the licence and as a condition of the grant of the licence to pay such reasonable fees in respect of the Council’s administrative expenses and overheads in supervising or inspecting where necessary the construction or maintenance of the works.

- (a) (5) (a) On receipt of an application for a works licence the Council shall serve on the Environment Agency a copy of the application and all plans, sections and particulars incidental thereto.
- (b) The Council shall consider such observations as the Environment Agency may submit to the Council within six weeks after service on the Environment Agency of the application and particulars in accordance with paragraph (a) above, and the Council shall not grant a works licence before the expiry of that period.
- (c) In granting a works licence the Council shall impose on the applicant such terms and conditions as give effect to such reasonable requirements as the Environment Agency may, within the said period, make in any observations to the Council to prevent pollution of any watercourse, to safeguard it against damage or to secure that its efficiency for land drainage purposes is not impaired.
- (d) The provisions of sub-paragraph (c) are subject to the Council’s duty under article 10(5) of this Order to give effect to any direction given by the Secretary of State under that paragraph.

(6) Where the Council refuse to grant a works licence which has been applied for, they shall give reasons in writing for their refusal.

(7) Where the Council grant a works licence upon terms or conditions or require any modification in the plans and particulars, they shall give reasons in writing for the terms and conditions imposed or the modifications required.

(8) If within three months from the receipt of the application under paragraph (2) the Council do not grant a works licence they shall be deemed to have refused the application.

(9) Articles 11 to 16 of this Order shall apply in relation to the holder of a works licence as respects the works which are authorised by the licence as they do in relation to the Council as respects works belonging to the Council.

(10) In the carrying out of operations in pursuance of a works licence, the holder of the licence shall not—

- (a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by any statutory undertaker; or
- (b) do anything which will obstruct or impede any work relating to the inspection or repair of any such apparatus;

without the consent of the statutory undertaker concerned.

(11) Nothing in this article affects the application in relation to any works of section 109 of the Water Resources Act 1991(2) (obstruction of a main river).

Licence to dredge

9.—(1) The Council may upon such terms and conditions as they think fit grant to any person a licence to dredge in any part of the harbour.

(2) Application for a dredging licence shall be made in writing to the Council and shall be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence and, in granting any such licence, the Council may require modifications in the plans, sections and particulars so submitted.

(3) Article 8(3) to (8), (10) and (11) of this Order shall apply in relation to a dredging licence as it applies in relation to a works licence.

Appeals in respect of works or dredging licence

10.—(1) An applicant for a works licence or a dredging licence who is aggrieved by—

- (a) a refusal of the Council to grant a licence; or
- (b) any terms or conditions subject to which the licence is granted; or
- (c) any modifications required by the Council in the plans, sections and particulars submitted by the applicant;

may, within 28 days from the date on which the Council notify the applicant of their decision or the date on which the Council are, under article 8(8) of this Order, deemed to have refused the application, appeal to the Secretary of State.

(2) An appeal under paragraph (1) shall be made by notice in writing stating the grounds of the appeal.

(3) The appellant shall send to the Council a copy of the notice of his appeal; and the Council may, within 28 days of the receipt, furnish the Secretary of State with their observations on the appeal.

(4) The Secretary of State may confirm, vary or revoke the decision appealed against and may make such consequential amendment as he may specify.

(5) The Secretary of State may direct the Council to give effect to his decision, and the Council shall forthwith comply with any direction given.

Tidal works not to be executed without approval of Secretary of State

11.—(1) A tidal work shall not be constructed, altered, enlarged, replaced, relaid, extended or reconstructed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

(2) If a tidal work is constructed, altered, enlarged, replaced, relaid, extended or reconstructed in contravention of this article or of any condition or restriction imposed under this article—

(a) the Secretary of State may by notice in writing require the Council at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if on the expiration of 30 days from the date when the notice is served upon the Council they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the council.

Provision against danger to navigation

12.—(1) In case of injury to, or destruction or decay of, a tidal work or any part thereof, the Council shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If, without reasonable excuse, the Council fail to notify Trinity House as required by this article or to comply in any respect with a direction given under this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Abatement of works abandoned or decayed

13.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Council at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Council they have failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Council.

Survey of tidal works

14. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Council.

Permanent lights on tidal work

15.—(1) After the completion of a tidal work the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct.

(2) Subject to paragraph (3), if the Council fail to comply in any respect with a direction given under this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) It shall be a defence for the Council to prove that all due diligence was used to secure compliance with any such direction.

Lights on tidal works during construction

16.—(1) The Council shall at or near a tidal work during the whole time of the construction, alteration, enlargement, replacement, relaying or extension thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

(2) Subject to paragraph (3), if the Council fail to comply in any respect with a direction given under this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) It shall be a defence for the Council to prove that all due diligence was used to secure compliance with any such direction.