
STATUTORY INSTRUMENTS

2007 No. 608

The Ouseburn Barrage Order 2007

PART 2

WORKS PROVISIONS

Principal powers

Power to construct works and survey

3.—(1) The Council may construct and maintain the scheduled works.

(2) Subject to article 4 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works plans and in accordance with the levels shown on the sections.

(3) The Council may, within the limits of deviation, carry out and maintain such works for the benefit or protection of maritime traffic as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

(4) Subject to paragraph (5), the Council may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (b) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled works;
- (c) works for the benefit or protection of premises affected by the scheduled works; and
- (d) monitoring and surveying the Ouseburn.

(5) Without prejudice to the generality of paragraph (4), within the limits of deviation or on any land to be acquired or used by the Council for the purposes of this Order the Council may, for the purposes of, and for purposes ancillary to, the construction or maintenance of the authorised works—

- (a) make junctions and communications between any of those works and any watercourses and any existing streets, roads, ways, river walls, bridges and footpaths;
- (b) make, provide and maintain all necessary or convenient—
 - (i) buildings, walls, banks, embankments, slipways, pavings, yards, moorings;
 - (ii) rollers and other facilities for transporting boats; and
 - (iii) piling, fences, culverts, drains, intakes, syphons, watercourses, weirs, sluices, wharves, mattresses, pitching, gabions, roads, bridges, paths, mains, pipes, cables, wires, machinery works and appliances.

(6) Section 9 of the Salmon and Freshwater Fisheries Act 1975(1) shall not apply to the construction of the authorised works or to the alteration thereof.

(1) 1975 c. 51.

(7) On the completion of any part of the works authorised by this article the Council shall remove all temporary works placed by it in exercise of the powers conferred by this article.

Power to deviate

4.—(1) Subject to paragraph (3), in constructing or maintaining any of the scheduled works the Council may deviate laterally from the lines or situations shown on the works plans to any extent within the limits of deviation and may deviate vertically from the levels shown on the sections to any extent upwards or downwards.

(2) The scheduled works shall be so constructed that—

- (a) the unobstructed opening between the walls of the lock, as shown on the works plans and sections, is not less than 5 metres wide;
- (b) the headroom for vessels passing through the lock is not less than 5 metres above the crest level of the weir as specified in sub-paragraph (d);
- (c) the cills at each end of the lock are set at 1.5 metres below Ordnance Datum (Newlyn) or at such other level as may be agreed between the Council and the Port Authority to be the level of the bed of the Ouseburn at that point immediately before the construction of the scheduled works is commenced;
- (d) the level of the crest of the weir, as shown on the works plans and sections, is set at 2.6 metres above Ordnance Datum (Newlyn) with a tolerance of plus or minus 10 millimetres;
- (e) the width of the crest of the weir, as shown on the works plans, is not less than 5 metres; and
- (f) they shall not interfere with the structure of the Glasshouse Bridge.

(3) Nothing in paragraph (4) or paragraph (5) of article 3 (power to construct works and survey) shall authorise the Council to execute any works in contravention of the restrictions imposed by paragraph (2) of this article.