
STATUTORY INSTRUMENTS

2010 No. 626

The Harwich Parkeston Quay Harbour Revision Order 2010

PART 2

WORKS PROVISIONS

Power to make works

3.—(1) Subject to the provisions of this Order, the Company may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the following works, with all necessary works and conveniences connected with them, as to part in the parish of Harwich and Ramsey and as to the remainder in the parish of Parkeston, in the district of Tendring, in the county of Essex, and partly on the foreshore and bed of Bathside Bay—

Work No. 1 - A quay wall, including berths for vessels and quayside cranes, commencing with a junction at the termination of the existing quay wall of Parkeston Quay at its eastern end (point C shown on the deposited plans and deposited sections), then extending in a straight line to a point at TM2562632679 (point D shown on the deposited plans and deposited sections), then extending in a straight line to a point at TM2562232490 (point E shown on the deposited plans and deposited sections), then extending in a straight line and terminating at a point at TM2564832490 (point F shown on the deposited plans and deposited sections) and enclosing an area of 74.55 hectares of the bed of Bathside Bay being the area enclosed by that quay wall and the line of mean high water springs shown on the deposited plans and deposited sections commencing at point C and terminating at point F.

Work No. 2 - A culvert, being an extension of the existing Dovercourt Dock River culvert, commencing at the existing outfall chamber and extending in a straight line and terminating at an outfall to be constructed in the proposed quay wall comprising part of Work No. 1 at a point 30 metres east of the commencement of Work No. 1.

Work No. 3 - A harbour wall incorporating an access walkway of solid construction commencing at the proposed quay wall comprising part of Work No. 1 at point D shown on the deposited plans and deposited sections and extending in a north-easterly direction and terminating at a point at TM2574332746 and having a length of 137 metres and a width not exceeding 13.7 metres.

Work No. 4 - A floating wavescreen of segmental fibre and galvanised steel reinforced concrete boxes with expanded polystyrene cores and anchored to the bed of the boat harbour, commencing at a point at TM2581232631 extending in a north westerly direction along the south side of the train ferry gantry for a distance of 110 metres and terminating at a point at TM2571232676.

Work No. 5 - A slipway adjacent to the proposed quay wall forming part of Work No. 1, commencing at point E shown on the deposited plans and deposited sections and terminating in the boat harbour at a point at TM2562732556.

(2) The Company may, within the limits of deviation, from time to time alter or reconstruct temporarily or permanently the authorised works.

(3) The Company may fill in and reclaim, or complete the reclamation of, so much of the foreshore and bed of Bathside Bay as is situated within the limits of deviation landward of the line of Work No. 1, and may hold and use, as part of the harbour undertaking or for other purposes of the Company, so much of that foreshore and bed as is required for or in connection with those purposes and may hold and use or dispose of the remainder for other purposes.

(4) The Company may, when constructing Work No. 3, demolish the train ferry pier to the extent shown on the deposited plans and deposited sections.

(5) For the purposes of section 23 of the Land Drainage Act 1991⁽¹⁾ (prohibition on obstructions etc in watercourses) as applying to the construction of the authorised works, any consent or approval by the Environment Agency given or deemed to be given under any provision of this Order with respect to the erection of any structure shall be deemed also to constitute a consent or approval under the said section 23 as respects the erection of that structure.

Period for completion of works

4. If the works are not completed within ten years from the coming into force of this Order, or such extended time as the Secretary of State may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers granted by this Order to the Company for making and maintaining the works shall cease except as to so much of the works as are then substantially commenced.

Subsidiary works

5.—(1) The Company may from time to time within the limits of deviation provide and operate such dock facilities, together with works ancillary to these facilities, as may be necessary or convenient for the construction of the works or the operation of the harbour undertaking, and for this purpose the Company may provide, construct and maintain roads, railway lines, buildings, sheds, offices, workshops, depots, walls, foundations, fences, gates, tanks, pumps, conduits, pipes, drains, wires, mains, cables, electrical substations, signals, conveyors, cranes, container handling equipment, lifts, hoists, lighting columns, weighbridges, stairs, ladders, stages, platforms, catwalks, equipment, machinery and appliances and such other works and conveniences as may be necessary or expedient.

(2) Without prejudice to paragraph (1), the Company may within the limits of deviation carry out and maintain such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance or use of the works including—

- (a) works for the accommodation or convenience of vessels (including dolphins and pontoons); and
- (b) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations and electrical lines.

Power to dredge

6.—(1) The Company may (subject to the consent required by section 34 (crown rights) of the 1983 Act as applied by paragraph 1 of Part 1 of Schedule 3) from time to time deepen, dredge, scour, cleanse, alter and improve the bed, channel and foreshore of the river in the vicinity of the authorised works and the approaches to the river, and blast any rock in the river, for the purpose of constructing and maintaining those works and obtaining, preserving and improving uninterrupted access to and from those works or any other part of the harbour undertaking.

(1) 1991 c. 59.

(2) Subject to paragraph (3), any materials taken up or collected in the course of such operations shall (subject to the consent required by section 34 of the 1983 Act) be the property of the Company and may be used, sold, removed, deposited or otherwise disposed of as the Company may think fit.

(3) No such materials shall be deposited below the level of high water except in accordance with—

- (a) such conditions and restrictions as may be approved by the Secretary of State; and
- (b) Part 2 of the Food and Environment Protection Act 1985(2).

Power to deviate

7.—(1) In the construction of any part of the authorised works the Company may deviate from the lines or situations shown on the deposited plans to any extent not exceeding the limits of deviation, and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

(2) Notwithstanding the limits of deviation shown on the deposited plans, when the authorised works have been constructed the northerly limit of deviation of Works Nos. 1, 2, 3, 4 and 5 shall be 3 metres north of, respectively, the line of the proposed quay face and the centre line of Work No. 3, both as shown on the deposited plans.

Application of works provisions of 1983 Act

8.—(1) The following provisions of the 1983 Act relating to the construction of works shall, with the necessary modifications, apply additionally to the authorised works (including the demolition of the train ferry pier) as they apply to the works authorised by that Act as if the authorised works had been the quay and connected works authorised by those enactments—

- Section 9 – (underpinning of buildings near works);
- Section 10 - (use of sewers, etc., for removing water);
- Section 11 - (tidal works not to be executed without approval of Secretary of State);
- Section 12 - (survey of tidal works);
- Section 13 - (lights on tidal works during construction, etc.);
- Section 14 - (permanent lights on tidal works);
- Section 15 - (abatement of works abandoned or decayed);
- Section 16 - (provision against danger to navigation);
- Section 17 - (defence of due diligence).

(2) The necessary modifications referred to in paragraph (1) are—

- (a) In section 10, leave out subsection (3) and insert—
 - “(3) This section does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991(3).”
- (b) In sections 11 to 16 the words “tidal work” have the meaning given by article 2.
- (c) In subsection (1) of section 13, after “near” insert “(a)” and after “work” insert—
 - “, including any temporary work; or

(2) 1985 c. 48.
(3) 1991 c. 57.

- (b) any plant, equipment or other obstruction placed, in connection with any work authorised by article 3 (power to make works) or article 5 (subsidiary works) of the Harwich Parkeston Quay Harbour Revision Order 2010, within the area of seaward construction activity;”.

Extent of Parkeston Quay and limits of jurisdiction

9.—(1) The authorised works shall form part of Parkeston Quay and the provisions of the Great Eastern Railway Act 1874⁽⁴⁾ and all other provisions of the Harwich Parkeston Quay enactments shall (so far as the same are applicable and are not inconsistent with the provisions of this Order) apply to the authorised works as if the authorised works had been the quay and connected works authorised by those enactments.

(2) The limits of jurisdiction for Parkeston Quay shall be the area described in Schedule 2 and, for the purpose of identification only, shown edged red on sheet 4 of the deposited plans and deposited sections.

(3) In its application to the harbour undertaking the expression “the prescribed limits” in the 1847 Act shall be the area referred to in paragraph (2).

Planning, etc. jurisdiction

10.—(1) During the period beginning with the date when this Order comes into force and ending on the accretion date, the area within the limits of deviation shall, for the purposes of the Control of Pollution Act 1974⁽⁵⁾ and the Town and Country Planning Act 1990⁽⁶⁾, be annexed to and incorporated with the district of Tendring.

(2) On the accretion date, the area of the whole or of so much of the works authorised by paragraphs (1) and (2) of article 3 as shall have been completed or substantially commenced shall be annexed to and incorporated with the parishes of Harwich and Ramsey and Parkeston (in proportion to the extent of the common boundary of those parishes), the district of Tendring and the county of Essex.

(3) In this article “accretion date” means the date when the works so authorised have been completed or, if sooner, the date when the powers granted by this Order shall cease to have effect pursuant to article 4.

⁽⁴⁾ 1874 c. cxxviii.

⁽⁵⁾ 1974 c. 40.

⁽⁶⁾ 1990 c. 8.