

SCHEDULES

SCHEDULE 2

WORKS: SUPPLEMENTARY

Interference with sea and inland bay

- 2 (1) For the purposes of, in connection with or in consequence of the works authorised by section 1 of this Act the Development Corporation may—
- (a) deepen, dredge, scour, cleanse, remove obstructions in or otherwise alter or interfere with the bed or foreshore of the sea or the bed or banks of the inland bay, and
 - (b) use or dispose of any material (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) removed in the exercise of the power conferred by paragraph (a) above.
- (2) No material removed under sub-paragraph (1) above, other than any removed for the purpose of any of the works authorised by section 1 of this Act or filling in or reclaiming any of the bed or foreshore of the sea situated within the limits of deviation, shall be deposited below the level of mean high-water springs except in such places and in accordance with any such conditions and restrictions as may be specified or approved by the Secretary of State.
- 3 (1) The Development Corporation may, with the consent of the owners and the National Rivers Authority, carry out such sealing of so much of the bed or banks of the inland bay as may be necessary or expedient for the protection or efficacy of any of the works authorised by section 1 of this Act.
- (2) Any consent requested for the purposes of sub-paragraph (1) above shall not be unreasonably withheld; and any question whether such consent is or is not unreasonably withheld shall be determined by arbitration.
- 4 (1) The Development Corporation may temporarily close the inland bay or any part of it to navigation in the course of executing any of the works authorised by section 1 of this Act or doing anything in pursuance of any of the preceding provisions of this Schedule.
- (2) The Development Corporation shall so exercise the power conferred by this paragraph as to ensure that no more of the inland bay is closed to navigation, and for no longer, than is reasonably necessary in the circumstances.
- 5 (1) The Development Corporation may remove or interfere with any mooring in the inland bay in any case where it appears to them to be necessary or expedient to do so for the purposes of any of the works authorised by section 1 of this Act or anything authorised by paragraph 1, 2 or 3 above.
- (2) Before removing or interfering with any mooring under this paragraph the Development Corporation shall give notice in writing to the owners of the mooring.
- (3) Such a notice shall include a summary of this paragraph and—

Status: This is the original version (as it was originally enacted).

- (a) in case of emergency shall be given as long before removing or interfering with the mooring as is reasonably practicable, and
- (b) otherwise shall be given not less than twenty-eight days before removing or interfering with the mooring.

(4) Where—

- (a) the Development Corporation propose to remove or interfere with any mooring under this paragraph, or
- (b) the owners of any mooring which the Development Corporation propose to remove under this paragraph themselves remove, or procure the removal of, the mooring,

the owners of the mooring may require the Development Corporation to provide a replacement mooring elsewhere within the inland bay in a reasonably convenient location.

(5) Except where it is not reasonably practicable to do so, any replacement mooring which the Development Corporation are required to provide under this paragraph shall be provided before the mooring which it replaces is removed or interfered with.

(6) The owners of a mooring—

- (a) which is removed or interfered with by the Development Corporation under this paragraph, or
- (b) which the Development Corporation propose to remove under this paragraph but is removed by or at the instigation of the owners,

shall be entitled to recover from the Development Corporation any reasonable costs incurred in consequence of the removal of or interference with the mooring.

(7) This paragraph shall be regarded for the purposes of section 37(5) of the Land Compensation Act 1973 (discretionary compensation for disturbance in absence of entitlement to a disturbance payment or to compensation for disturbance under any other enactment) as providing compensation for disturbance for the owners of moorings removed by the Development Corporation under this paragraph.

- 6 For the purposes of or in connection with the works authorised by section 1 of this Act or anything authorised by this Schedule the Development Corporation may moor or anchor vessels, or cause vessels to be moored or anchored, in the inland bay.