

SCHEDULE 1

Article 2(1)

SCHEDULED WORKS

In the District of Thanet—

An extension to the stone pier comprising the following—

Work No. 1A

An enclosed building with a width of 20 metres, commencing at grid reference E635223.881, N171275.103 and extending in a south-easterly direction for a distance of 55 metres and terminating at grid reference E635271.508, N171252.731 to be used for the purposes of an art gallery or other commercial or leisure purposes;

Work No. 1B

A vehicular and pedestrian bridge structure linking the said stone pier or any building constructed on the stone pier to Work No. 1A;

Work No. 2

Mitigation works for birds consisting of an apron of solid construction bound by an imaginary line commencing on the existing sea wall to the south of the stone pier at grid reference E635334.991, N171194.154, thence in a curved and then straight line for 58 metres in a south-westerly and then southerly direction to grid reference E635322.709, N171160.539, thence in a straight line for 18 metres in an easterly direction to grid reference E635340.44, N171163.64 on the said sea wall and thence along the edge of the sea wall for 31 metres in a northerly direction terminating at the said grid reference E635334.991, N171194.154.

SCHEDULE 2

Article 11

PROTECTION OF NAVIGATION

1. In this Schedule—

“construction” includes execution, placing, alteration and reconstruction and “constructed” has a corresponding meaning; and

“plans” includes sections, drawings, particulars and schedules of construction.

Tidal Works

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

(2) If a tidal work is constructed, altered, replaced or re-laid in contravention of this paragraph or any condition or restriction imposed under this paragraph—

(a) the Secretary of State may by notice in writing require the Council at its own expense to remove the tidal work or any part of it and restore the site to its former condition or so near to its former condition as is acceptable to him; 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 so restore the site.

(3) If at the end of 28 days from the date when notice is served on the Council under subparagraph (2)(a) it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice.

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Provision against danger to navigation

3.—(1) In case of injury to, or destruction or decay of, a tidal work or any part thereof the Council shall as soon as reasonably practicable 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 may from time to time direct.

(2) If the Council fail to notify Trinity House as required by sub-paragraph (1) or to comply in any respect with a direction given under the said sub-paragraph, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Abatement of works abandoned or decayed

4.—(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—

- (a) to repair and restore the work, or any part of it; or
- (b) to remove the work and restore the site to its former condition, or so near its former condition as is acceptable to him.

(2) Where—

- (a) a work erected under this Order, part of which is a tidal work, is abandoned or allowed to fall into decay; and
- (b) the part of the work on or over land above the level of mean high-water springs is in such a condition as to interfere, or cause reasonable apprehension that it may interfere, with the right of navigation or any public rights over the foreshore,

the Secretary of State may include that part of the work, or any portion of it, in any notice under sub-paragraph (1).

(3) If at the end of the period of 28 days from the date when notice is served on the Council under sub-paragraph (1) they have failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice.

Survey of works

5. 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 etc.

6.—(1) After the completion of a tidal work the Council shall at the outer extremity of every tidal work 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) If the Council fail to comply in any respect with a direction given under this paragraph, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; but it shall be a defence for the Council to prove that all due diligence was used to secure compliance with the direction.

Lights on works during construction

7.—(1) The Council shall at or near a tidal work during the whole time of the construction, alteration, replacement, or reconstruction of the work 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 may from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this paragraph, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; but it shall be a defence for the Council to prove that all due diligence was used to secure compliance with the direction.

Expenses

8. The Secretary of State may recover from the Council any expenditure incurred by him under paragraphs 2(2)(b) or (3) or 4(3).

SCHEDULE 3

Article 12

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number and description of land shown on land plan</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Authorised work</i>
District of Thanet	No. 3. Part of the stone pier.	Temporary works area and access to works	Work Nos. 1A and 1B
District of Thanet	No. 4. Storage hut and part of the stone pier.	Temporary works area and access to works	Work Nos. 1A and 1B
District of Thanet	No. 5. Storage hut and part of the stone pier.	Temporary works area and access to works	Work Nos. 1A and 1B
District of Thanet	No. 6. Storage hut and part of the stone pier.	Temporary works area and access to works	Work Nos. 1A and 1B
District of Thanet	No. 7. Storage hut and part of the stone pier.	Temporary works area and access to works	Work Nos. 1A and 1B
District of Thanet	No. 8. Area of sea, fundus, foreshore and slipway to the south of Margate Pier.	Temporary works area	Work Nos. 1A, 1B and 2
District of Thanet	No. 9. Council office building (Droit House).	Temporary works area and access to works	Work Nos. 1A, 1B and 2
District of Thanet	No. 11. Car and Coach park, hardstanding, access ways, part of slipway.	Temporary works area and access to works	Work Nos. 1A, 1B and 2

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<i>(1) Location</i>	<i>(2) Number and description of land shown on land plan</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Authorised work</i>
District of Thanet	No. 12. Hardstanding providing site for ice cream van.	Temporary works area and access to works	Work Nos. 1A, 1B and 2