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STATUTORY INSTRUMENTS

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**2006 No. 2310**

**The Borough of Poole (Poole Harbour  
Opening Bridges) Order 2006**

**PART 2**

**WORKS PROVISIONS**

*Principal powers*

**Power to construct etc. works**

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

(2) Subject to article 4, the scheduled works may only be constructed in the lines and situations shown on the deposited plans within the limits of deviation and in accordance with the levels shown on the deposited sections.

(3) The Council may operate the new bridge and 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 install, or alter the position of, apparatus, including mains, sewers, drains and cables; and
- (b) works for the benefit or protection of premises affected by the scheduled works.

**Power to deviate**

4.—(1) In constructing or maintaining the scheduled works, the Council may, subject to paragraph (2), deviate laterally from the lines or situations shown on the deposited plans to any extent within the limits of deviation and may deviate vertically from the levels shown on the deposited sections—

- (a) to any extent not exceeding 3 metres upwards as to any part of the scheduled works;
- (b) to any extent not exceeding 0.2 metre downwards as to the decking of the new bridge; and
- (c) to any extent downwards as to any other part of the scheduled works.

(2) In constructing the new bridge the Council shall provide headroom of not less than 2.5 metres above the level of high water over the central navigation channel.

**Power to make subsidiary works**

5.—(1) Subject to the provisions of this Order the Council may from time to time within the Order limits or on any land vested in the Council at the date of the making of this Order, construct and maintain, whether temporarily or permanently, all such works as may be requisite or expedient for the purposes of, or for purposes ancillary to, the construction, maintenance and use of the scheduled works.

(2) Without prejudice to the generality of paragraph (1), the Council may within the lands delineated on the deposited plans and thereon numbered 39 in the Borough of Poole construct and maintain a control centre for the purposes of operating the new bridge.

(3) Without prejudice to the generality of paragraph (1) the Council may within the designated area, for the purposes of or in connection with the construction, operation or maintenance of the scheduled works—

- (a) construct, place, alter, relocate or replace any work, mooring or structure whether temporary or permanent;
- (b) use, appropriate and dispose of any materials obtained by it in carrying out any such operations;
- (c) remove or relocate any mooring; and
- (d) temporarily moor or anchor vessels and structures and load and unload into and from such vessels or structures equipment, machinery, soil and any other materials in connection with the authorised works,

in such manner and to such extent as may appear to the Council to be necessary or convenient.

(4) Except in the case of emergency, the Council will use its reasonable endeavours to notify the owner of any mooring and the owner or master of any vessel or structure affected by the proposal to exercise the powers of paragraph (3)(a) or (c) before the exercise of those powers.

(5) The Council shall pay compensation to any person entitled to compensation under the 1961 Act who suffers any loss or damage from the exercise of the powers conferred by paragraph 3(a) and (c).

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation shall be determined under Part 1 of the 1961 Act.

#### **Power to dredge for purposes of authorised works, etc.**

**6.—(1)** The Council, for the purposes of constructing and maintaining the scheduled works, may within the limits of dredging from time to time deepen, widen, dredge, scour, cleanse, alter and improve the bed of the Back Water Channel.

(2) Subject to paragraph (3), all materials dredged up or removed by the Council in exercise of the powers of this article shall be the property of the Council and may be used, sold, deposited or otherwise disposed of as the Council thinks fit.

(3) No such materials shall be laid down or deposited—

- (a) in contravention of the provisions of any enactment as respects the disposal of waste; or
- (b) in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Secretary of State.