

---

STATUTORY INSTRUMENTS

---

**2007 No. 608**

**The Ouseburn Barrage Order 2007**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Ouseburn Barrage Order 2007 and shall come into force on 19th March 2007.

**Interpretation**

2.—(1) In this Order—

“the 1965 Act” means the Compulsory Purchase Act 1965(1);

“the 1990 Act” means the Port of Tyne Act 1990(2);

“the 1991 Act” means the New Roads and Street Works Act 1991(3);

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000;

“the authorised works” means the scheduled works and any other works authorised by this Order;

“the book of reference” means the book of reference prepared in accordance with rule 12(7) of the Applications Rules and certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes structure or any other erection or any part of a building, structure or erection;

“the Council” means the Council of the City of Newcastle upon Tyne;

“enactment” means any enactment, whether public, general or local and includes any order, byelaw, rule, regulation, direction, scheme or other instrument having effect by virtue of an enactment;

“the Glasshouse Bridge” means the bridge over the Ouseburn carrying the A186 City Road (which is also known as Glasshouse Bridge) from National Grid reference point 426351, 564198 in the west to its junction with Walker Road at National Grid reference point 426501, 564199 in the east;

“highway” and “highway authority” have the same meanings as in the Highways Act 1980(4);

“the land plan” means the plan prepared in accordance with rule 12(5) of the Applications Rules and certified by the Secretary of State as the land plan for the purposes of this Order;

---

(1) 1965 c. 56.  
(2) 1990 c. xxxi.  
(3) 1991 c. 22.  
(4) 1980 c. 66.

“the level of high water” means the level of mean high water springs;

“the limits of deviation” means the lateral limits of deviation for the scheduled works shown on the works plans and the land plan;

“the limits of land to be acquired or used” means the limits of land to be acquired or used shown on the works plans and the land plan;

“the lock gates” means all or any of the movable gates or the movable gates support beam forming part of the scheduled works;

“the Low Level Bridge” means the bridge over the Ouseburn which is part of the unclassified highway known as Quayside from National Grid reference point 426435, 564163 in the west to National Grid reference point 426457, 564152 in the east;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“Northumbrian Water” means Northumbrian Water Limited;

“the Ouseburn” means the Ouseburn from its confluence with the River Tyne at National Grid reference point 426469 564068 to the Ouseburn Culvert at National Grid reference point 426168 564695, and includes the bed, banks and foreshore of the Ouseburn;

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981<sup>(5)</sup>;

“the planning Act” means the Town and Country Planning Act 1990<sup>(6)</sup>;

“the Port Authority” means the Port of Tyne Authority;

“the Port Health Authority” means the Tyne Port Health Authority;

“the River Tyne” means the River Tyne and its tributaries, but excludes the Ouseburn;

“the scheduled works” means the works specified in Schedule 1 (description of the scheduled works) or any part of them;

“scouring” includes disturbance or collapse of the foreshore or bed of the Ouseburn;

“the sections” means the sections prepared in accordance with rule 12(3) of the Applications Rules and certified by the Secretary of State as the sections for the purposes of this Order;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“tidal work” means so much of any work authorised by this Order as is in, on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“upstream Ouseburn” means that part of the Ouseburn lying between an imaginary line drawn across the upstream face of the Low Level Bridge and the Ouseburn Culvert at reference point 426168 564695;

“vessel” means every description of vessel with or without means of propulsion of any kind and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968<sup>(7)</sup>;

“watercourse” includes all rivers, streams, ditches, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain but does not include the River Tyne; and

---

(5) 1981 c. 67.

(6) 1990 c. 8.

(7) 1968 c. 59.

“the works plans” means the plans prepared in accordance with rule 12(1)(a) of the Applications Rules and certified by the Secretary of State as the works plans for the purpose of this Order.

(2) References in this Order to reference points shall be construed as references to Ordnance Survey National Grid Reference points.

(3) With the exception of the level of the crest of the weir as provided in article 4(2)(d), all directions, distances and reference points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after such direction, distance and reference point.

(4) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space over its surface and references to the subsoil of any land include references to any cellar, basement, vault, arch or other construction forming part of any such land.