
STATUTORY INSTRUMENTS

2013 No. 648

The Hinkley Point C (Nuclear Generating Station) Order 2013

PART 2

Provisions relating to temporary jetty works

Miscellaneous and general

Use of temporary jetty

78. The undertaker shall only use the temporary jetty for the purposes of, or in connection with, the construction of nuclear energy related facilities at Hinkley Point C, Somerset.

Saving for Trinity House

79. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

Application and termination of permitted development rights

80.—(1) Article 3 of, and Class B of Part 17 of Schedule 2 to, the 1995 Order (which permit certain development carried out by harbour authorities) shall not permit the undertaker to carry out any of the kinds of development specified in Class B.1 of Part 17, even if they are wholly within the limits of a dock, pier or harbour.

(2) Article 3 of the 1995 Order shall not permit the undertaker to carry out the development described in Class D of Part 17 of Schedule 2 to the 1995 Order (use of land by statutory undertakers for the spreading of dredged material).

(3) In their application to development which is not authorised under this Order and is carried out on land which falls to be treated as operational land of the undertaker in respect of its undertaking by virtue of this Order and is within the harbour limits, article 3 of, and Part 17 of Schedule 2 to, the 1995 Order shall have effect as if the planning permission granted by the 1995 Order were subject to the requirements.

(4) Notwithstanding paragraph (3), on the closure date determined under article 82, any planning permission granted by the 1995 Order still existing shall cease to have effect in respect of the development mentioned in paragraph (3), except in so far as required for the implementation of that article and the application of the requirements relating to that article.

For the Protection of the Environment Agency (Part 2)

81.—(1) Paragraph (2) shall have effect unless otherwise agreed in writing between the undertaker and the Environment Agency.

(2) Notwithstanding article 55 no part of any works falling within the descriptions set out in the following sub-paragraphs shall be constructed, carried out or installed (as the case may be) below the corresponding level above ordnance datum specified in each sub-paragraph—

- (a) any soffits of the temporary jetty head comprised within, or associated with, Work No. TJ1, 10.1 metres above ordnance datum;
- (b) the surface level of the temporary jetty head at the termination of Work No. TJ1, 11.6 metres above ordnance datum; and
- (c) the temporary jetty surface elevation of the bankseat and the commencement of Work No. TJ1, 19.0 metres above ordnance datum.

Closure of jetty

82.—(1) In this article the closure date is—

- (a) 31st December 2025;
- (b) such later date as the Secretary of State may on the application of the undertaker appoint; or
- (c) such other date as is appointed under paragraph (3).

(2) On or before the closure date, the undertaker shall cease all operations in respect of the temporary jetty except to comply with this article, and after that date shall, as soon as reasonably practicable, dismantle, demolish and remove (so far as constructed) the whole of the temporary jetty and all of the temporary jetty works or works authorised by article 3 of, and Part 17 of Schedule 2 to, the 1995 Order and associated with the temporary jetty that are in, on, under or over tidal water or tidal lands below the level of high water except for—

- (a) those parts of the temporary jetty and works on the ground lying at the level of, or under the ground;
- (b) those parts of the temporary jetty or works in the sea below the level of low water lying at the level of, or under, the bed of the sea; or
- (c) any hardstanding on which any part of the temporary jetty may be constructed.

(3) If the temporary jetty is no longer required by the undertaker for the construction of Work No. 1A, the undertaker shall as soon as practicable by resolution appoint a closure date.

(4) Not less than 28 days before a closure date proposed to be appointed by resolution of the undertaker under paragraph (3), the undertaker shall publish in Lloyd’s List newspaper and in at least one local newspaper circulating in the district of West Somerset a notice containing a copy of the resolution proposed to be passed by the undertaker appointing that date.

Saving for termination of Part 2

83.—(1) In the article, “relevant proceedings” means any proceedings or inquiries in respect of any situation, matter, thing, happening, act, refusal, neglect or failure occurring during the period before this Part ceased to have effect in accordance with article 51 (duration of temporary jetty powers), so far as relating to the harbour or any part of the harbour (whether or not relating also to a part of the Port of Bridgwater), including, but without prejudice to the generality of the foregoing, proceedings for an offence committed or penalty incurred, or for recovery of expenses, rates, dues, fees or charges incurred, during that period.

(2) No relevant proceedings shall be affected by this Part ceasing to have effect, and any such proceedings or inquiries may be commenced, continued and concluded, and any decision, judgment or ruling in them may be enforced, as if this Part, and any relevant general or special direction or byelaw, had not ceased to have effect.

(3) Any period of time current in relation to relevant proceedings when this Part ceases to have effect shall not be affected by its ceasing to have effect and may continue to run as if this Part, and any relevant general or special direction or byelaw, had not ceased to have effect.