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WELSH STATUTORY INSTRUMENTS

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**2023 No. 897 (W. 136)**

**HARBOURS, DOCKS, PIERS  
AND FERRIES, WALES**

**The Holyhead Harbour Revision Order 2023**

*Made* - - - - 8 August 2023

*Coming into force* - - 14 August 2023

In accordance with section 14(1) of the Harbours Act 1964(1) (“the Act”), this Order is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to the Act(2).

Stena Line Ports Limited has applied in accordance with section 14(2)(a) of the Act for a harbour revision order under section 14. The functions of the appropriate Minister for the purpose of that section have been transferred to the Welsh Ministers (3).

Notice has been published in accordance with the requirements of paragraph 10 of Schedule 3 to the Act and the provisions of paragraphs 15 and 17 of Schedule 3 to the Act have been satisfied. Objections to the application were made and not withdrawn.

The Welsh Ministers, being satisfied as mentioned in section 14(2)(b) of the Act and in exercise of the powers conferred by section 14(1) and (3) of the Act, make the following Order.

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- (1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part 1), by the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12; and by the Criminal Justice Act 1982 (c. 48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c. 56), sections 18 and 40 and Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c. 23), section 315 and Schedule 21, paragraphs 1 and 3(2). For the definition of the “appropriate Minister” see section 14(7).
- (2) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 9; the Docks and Harbours Act 1966 (c. 28), sections 36(4) and 50(1); the Water Act 1989 (c. 15), sections 141(6), 189(4) to (10), 190, 193(1), Schedule 25, paragraph 31(1) and Schedule 26, paragraphs 3(1) and (2), 17, 40(4), 57(6) and 58; and S.I. 2006/1177, regulation 2 and the Schedule (Part 1).
- (3) Section 29(1) and (2)(b)(ii) of the Wales Act 2017 (c. 4), subject to S.I. 2018/278 Schedule 1 paragraph 1(1).

## PART 1

### PRELIMINARY

#### **Title and commencement**

1.—(1) The title of this Order is the Holyhead Harbour Revision Order 2023 and it comes into force on 14 August 2023.

(2) The Holyhead Harbour provisions of the 1959 Act and this Order may be cited together as the Holyhead Harbour Act and Order 1959 to 2023.

#### **Interpretation**

2.—(1) In this Order—

“the 1847 Act” (“*Deddf 1847*”) means the Harbours, Docks, and Piers Clauses Act 1847(4);

“the 1959 Act” (“*Deddf 1959*”) means the British Transport Commission Act 1959(5);

“the Company” (“*y Cwmni*”) means Stena Line Ports Limited a company incorporated in England with registered number 01593558;

“the construction limits” (“*y terfynau adeiladu*”) means the construction limits shown on the deposited plans;

“the deposited plans, sections and elevations” (“*y planiau, y trychiadau a’r gweddluniau a adnewwyd*”) means the plans, sections and elevations which are bound together and prepared in duplicate, signed on behalf of the Welsh Ministers and marked “Holyhead Harbour Revision Order 2023 Plans, Sections and Elevations” of which one copy has been deposited at the offices of the Welsh Ministers and the other at the offices of the Company at Stena House, Station Approach, Holyhead, Anglesey LL65 1DQ and a reference to a numbered sheet is a reference to that numbered sheet bound in the deposited plans, sections and elevations;

“general direction” (“*cyfarwyddyd cyffredinol*”) means a direction given by the Company under article 16 (general directions to vessels);

“the harbour” (“*yr harbwr*”) means the harbour of the Company at Holyhead the limits of which are defined by section 28 of the 1959 Act and described in the Third Schedule to that Act and including any works which are deemed to form part of the harbour by any subsequent enactment;

“harbour master” (“*harbwrfeistr*”) means the person appointed as such by the Company and includes that person’s deputies and assistants and any other person for the time being authorised by the Company to act, either generally or for a specific purpose, in the capacity of harbour master;

“the Holyhead Harbour provisions of the 1959 Act” (“*darpariaethau Harbwr Caergybi yn Neddf 1959*”) means so much of the 1959 Act as relates to Holyhead Harbour;

“level of high water” (“*lefel y penllanw*”) means the level of mean high water springs;

“limits of deviation” (“*terfynau’r gwyrriad*”) means the limits of deviation shown on the deposited plans;

“master” (“*meistr*”) in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel;

“special direction” (“*cyfarwyddyd arbennig*”) means a direction given by the harbour master under article 18 (special directions to vessels);

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(4) 1847 c. 27.

(5) 1959 c. xliv.

“Trinity House” (“*Trinity House*”) means the Corporation of Trinity House of Deptford Strond; “vessel” (“*llestr*”) means a ship, boat, or craft of any description and includes any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily);

“works” (“*gweithfeydd*”) means the works authorised by this Order, or as the case may require, any part thereof and includes any work constructed pursuant to article 3 (power to construct works) or article 5 (subsidiary works).

(2) All areas, directions, distances, lengths, widths, heights and grid references as stated in any description of works, powers or lands other than article 4 (power to deviate) are to be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length, width, height and grid reference and any reference in a description of works to a point is a reference to that point on the deposited plans.

(3) Any reference in this Order to a work identified by the number of such work is a reference to the work of that number authorised by this Order.

## PART 2

### WORKS

#### Power to construct works

3.—(1) Subject to the provisions of this Order, the Company may in the lines and situations and upon the lands delineated on the deposited plans and within the limits of deviation shown on them and according to the levels shown on the deposited sections, construct and maintain in Anglesey the following works, with all necessary works and conveniences connected with them—

- (a) Work No. 1 – A wall including a quay face 370 metres in length forming a berth for vessels and incorporating an overtopping wave wall to the north of the quay face, extending into the harbour and enclosing an area of the harbour of 65,750 square metres, commencing at a point SOP-A1 at 225555, 382865 extending from that point in a straight line to a point SOP-A2 at 225578, 382886 extending from that point in a straight line to a point SOP-A3 at 225672, 383247 extending from that point in a straight line to a point SOP-A6 at 225569, 383258 and there terminating the location of which is shown on sheet 2 and the section of which is shown on sheet 4;
- (b) Work No. 1A – A wave wall commencing at a point SOP-A3 at 225672, 383247 extending from that point in a straight line to a point SOP-A4 at 225745, 383280 extending from that point in a straight line to a point at SOP-A5 at 225732, 383307 and there terminating the location of which is shown on sheet 2 and the section of which is shown on sheet 4;
- (c) Work No. 2 – An area of rock armour revetment adjacent to, and to the north of, Works Nos. 1 and 1A the situation of which is shown on sheet 2 and the section of which is shown on sheet 4;
- (d) Work No. 3 – A wall including a quay face 280 metres in length forming a berth for vessels, extending into the harbour and enclosing an area of the harbour of 24,250 square metres, commencing at a point at SOP-B1 at 224982, 382762 extending from that point in a straight line to a point at SOP-B2 at 225239, 382887 and there terminating the location of which is shown on sheet 3 and the section of which is shown on sheet 5;
- (e) Work No. 4 – A single storey warehouse building the location of which is shown on sheet 2 and the plan and elevation of which are shown on sheet 6;
- (f) Work No. 5 – A single storey warehouse building the location of which is shown on sheet 2 and the plan and elevation of which are shown on sheet 7.

(2) Subject to the provisions of this Order, the Company may, for the purposes of the works authorised by paragraph (1), demolish and remove any structures or apparatus lying within the limits of deviation or the construction limits and enclose and reclaim so much of the bed of the harbour and of the foreshore as lies within the limits of deviation and may hold and use the same as part of the undertaking of the Company; and so much of the bed of the harbour and of the foreshore as may be reclaimed is to be deemed operational land within the meaning and for the purposes of the Town and Country Planning Act 1990(6).

(3) Without affecting the general power conferred under paragraph (2), the Company may, in connection with the construction of the works, demolish and remove so much of the existing navigational structures which are situated within the construction limits as may be considered necessary or expedient.

(4) Subject to the provisions of this Order, the Company may, within the limits of deviation, reconstruct, extend, enlarge, replace or relay the works authorised by paragraph (1) and may maintain the same as reconstructed, extended, enlarged, replaced or relaid.

### **Power to deviate**

4. Subject to the provisions of this Order, in carrying out the works authorised by article 3 (power to construct works) the Company may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation and may deviate vertically from the levels of the works as shown on the deposited sections and elevations to any extent not exceeding 1 metres upwards and to such extent downwards as may be found necessary or convenient.

### **Subsidiary works**

5.—(1) The Company may from time to time within the limits of deviation provide and operate such harbour facilities, together with works ancillary to those facilities, as may be necessary or convenient for the construction of the works or the operation of the undertaking, and for this purpose the Company may construct and maintain roads, buildings, sheds, offices, workshops, depots, walls, foundations, fences, gates, tanks, pumps, conduits, pipes, drains, wires, mains, cables, electrical substations, signals, conveyors, cranes, lifts, hoists, lighting columns, weighbridges, stairs, ladders, stages, platforms, fendering, dolphins, mooring posts, pontoons, catwalks, equipment, signage, machinery and appliances and such other works and conveniences (including levelling of surfaces) as may be necessary or expedient.

(2) Without affecting the general power conferred under paragraph (1) the Company may within the limits of deviation and the construction limits carry out and maintain such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance or use of the works including—

- (a) works to close the existing culvert beneath the service road,
- (b) works for the accommodation or convenience of vessels or for the loading and unloading of goods and the embarking and loading of passengers, and
- (c) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations, electrical lines and telecommunications apparatus.

### **Power to dredge**

6.—(1) Without affecting any other powers which may be exercisable by the Company within the harbour the Company may, for the purposes of constructing and maintaining the works and of

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(6) 1990 c. 8.

affording access to the works by vessels from time to time deepen, dredge, scour, blast rock, cleanse, alter and improve the bed, shores and channels of the sea as lie within the limits of the harbour and may use, appropriate or dispose of the materials (other than wreck within the meaning of section 255 (interpretation) of the Merchant Shipping Act 1995(7)), from time to time dredged by them.

(2) Such materials must not be laid down or deposited 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 Natural Resources Wales.

### **Obstruction of works**

7. Any person who—

- (a) intentionally obstructs any person acting under the authority of the Company in setting out the lines of or in constructing the works, or
- (b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out,

commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale and in addition is liable to repay to the Company as a debt any expenses incurred by it in making good any damage resulting from such obstruction, moving or removal.

### **Survey of tidal works**

8. The Welsh Ministers may at any time if they deem it expedient order a survey and examination of a tidal work or a site upon which it is proposed to construct the work and any expense incurred by them in such a survey and examination is recoverable from the Company.

### **Provision against danger to navigation**

9.—(1) In the case of injury to, or destruction or decay of, a tidal work or any part thereof, the Company must as soon as practicable notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House from time to time direct.

(2) If the Company fails to comply in any respect with the provisions of this article, the Company commits an offence and is liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

### **Abatement of works abandoned or decayed**

10.—(1) Where a tidal work is abandoned or suffered to fall into decay the Welsh Ministers may by notice in writing require the Company at its own expense either to repair and restore the work or any part of it, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Welsh Ministers think proper.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Welsh Ministers may include that part of the work or any portion of it, in any notice under this article.

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Company it has failed to comply with the requirements of the notice, the Welsh Ministers

may execute the works specified in the notice and any expenditure incurred by them in so doing is recoverable from the Company.

#### **Lights on tidal works during construction**

**11.—**(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Company must at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House from time to time direct.

(2) If the Company fails to comply in any respect with a direction given under this article it commits an offence and is liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

#### **Permanent lights on tidal works**

**12.—**(1) After completion of a tidal work the Company must at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House from time to time direct.

(2) If the Company fails to comply in any respect with a direction given under this article it commits an offence and is liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

#### **Period for completion of works**

**13.—**(1) Subject to paragraph (2), if the works are not substantially completed within ten years from the coming into force of this Order or such extended time as the Welsh Ministers may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for making and maintaining the works cease except as to so much of those works as is then substantially commenced.

(2) Nothing in paragraph (1) applies to any works carried out under paragraph (4) of article 3 (power to construct works) or article 5 (subsidiary works).

#### **Works to be deemed part of harbour**

**14.** The works are to be deemed for all purposes to be part of the harbour and all the enactments relating to the harbour, and the byelaws, directions, rules and regulations of the Company for the time being in force relating to the harbour, (so far as they are applicable and are not inconsistent with or varied by this Order) apply to the works and may be enforced by the Company accordingly.

#### **Works to be within area of Isle of Anglesey Council**

**15.** To the extent that the works lie outwith the area of the Isle of Anglesey Council, they are annexed to and incorporated within that area.

## **PART 3**

### **POWER TO MAKE DIRECTIONS**

#### **General directions to vessels**

**16.—**(1) The Company may, after consultation with the Chamber of Shipping and the Royal Yachting Association (except in cases of emergency) in each case of an exercise of the powers, give

directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in the harbour and the approaches to it and, without prejudice to the generality of what is stated above, for any of the following purposes—

- (a) for designating areas, routes or channels in the harbour and the approaches to the harbour which vessels are to use, or refrain from using, for movement or mooring;
  - (b) for securing that vessels move only at certain times or during certain periods;
  - (c) for requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master to identify the vessel, its cargo and its likely time of arrival at and departure from the harbour.
- (2) Directions given under paragraph (1) may apply—
- (a) to all vessels or to a class of vessels designated in the direction,
  - (b) to the whole of the harbour and the approaches and channels leading to the harbour, or to a part designated in the direction, and
  - (c) at all times or at times designated in the direction,

and every direction given under this article must specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(3) The Company may, after consultation with the Chamber of Shipping and the Royal Yachting Association, revoke or amend directions given under this article.

### **Publication of general directions**

17.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction must, except in case of emergency, be published by the Company as soon as practicable once in Lloyd's List or some other newspaper specialising in shipping news; and, if the notice relates to the giving or amendment of a direction, the notice must state a place at which copies of the direction or the amended direction (as the case may be) may be inspected and bought, and the price of the direction or amended direction (as the case may be).

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Company considers appropriate.

### **Special directions to vessels**

18.—(1) The harbour master may give a direction under this article—

- (a) requiring any vessel anywhere within the harbour or the approaches to the harbour to comply with a requirement made in or under a general direction,
- (b) regulating the time at which and the manner in which any vessel is to enter into, go out of, or lie in or at the harbour,
- (c) for securing that a vessel moves only at certain times or during certain periods,
- (d) prohibiting the mooring of a vessel in any particular part or parts of the harbour,
- (e) regulating or requiring the movement, mooring or unmooring of a vessel,
- (f) regulating the manner in which a vessel takes in or discharges (from ship to shore or shore to ship) passengers, cargo, fuel, water, ship's stores or ballast in the harbour, and
- (g) removing an unserviceable vessel from the harbour.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction.

### **Master's responsibility to be unaffected**

19. The giving of a general direction or a special direction does not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to that vessel, persons on board, its cargo or any other person or property.

### **Failure to comply with directions**

20. The master of a vessel who fails without reasonable excuse to comply with a general direction or a special direction commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Enforcement of special directions**

21.—(1) Without prejudice to any other remedy available to the Company, if a special direction is not complied with within a reasonable time the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board the vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but the harbour master must not do so unless, after reasonable inquiry has been made, the master of the vessel cannot be found.

(3) Expenses incurred in the exercise of the powers conferred by this article are recoverable by the Company from the owner of the vessel as if they were a charge of the Company in respect of the vessel.

## **PART 4**

### **MISCELLANEOUS**

#### **Defence of due diligence**

22.—(1) In proceedings for an offence under any provision of this Order mentioned in paragraph (2) it is a defence for the Company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) The provisions referred to in paragraph (1) are—

- (a) article 9 (provision against danger to navigation),
- (b) article 11 (lights on tidal works during construction), and
- (c) article 12 (permanent lights on tidal works).

(3) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, the Company is not, without leave of the court, entitled to rely on that defence unless, within a period of 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in their possession.

#### **Saving for Trinity House**

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

## **Crown rights**

**24.**—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Order authorises the Company to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to His Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners,
- (b) belonging to His Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land, or
- (c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

## **Amendments**

**25.** The following provisions of the 1959 Act are to be read as if—

- (a) in section 4 (incorporation of general Acts), paragraph (c), after “50” there were inserted “52”, and
- (b) in section 30 (application of the 1847 Act), subsection (2)(e) were omitted.

## **Environmental requirements**

**26.**—(1) Before the commencement of the works authorised by article 3(1) a heritage management plan must be submitted to and approved in writing by the local planning authority. The heritage management plan must include details of the following—

- (a) measures to be taken to record the existing setting of the Admiralty Pier (LB14757) and the Admiralty Pier Lighthouse (LB14758),
- (b) designs for the alteration of existing permanent means of enclosure for the works to be constructed pursuant to article 3(1) for the purpose of enhancing views from the Holyhead Beach Conservation Area to heritage assets situated within the harbour, and
- (c) measures to manage the temporary storage of containers within the harbour during the period of construction of the works authorised by article 3(1) for the purpose of mitigating any temporary impacts to the existing views of heritage assets located on Salt Island.

(2) The details within the heritage management plan must be implemented by the Company in accordance with the details approved by the local planning authority under paragraph (1).

(3) No later than 6 months after the completion of the works authorised by article 3(1) a heritage information plan must be submitted to and approved in writing by the local planning authority. The heritage information plan must include details of the following—

- (a) measures to be taken to provide publicly accessible heritage interpretation boards for the Admiralty Pier (LB14757) and the Admiralty Pier Lighthouse (LB14758),
- (b) measures to be taken to improve public accessibility to heritage assets situated within the harbour, and
- (c) an implementation timetable for the measures identified in paragraphs 3(a) and (b).

(4) The details within the heritage information plan must be implemented by the Company in accordance with the details approved by the local planning authority under paragraph (3).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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8 August 2023

*Julie James*  
Minister for Climate Change, one of the Welsh  
Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order authorises Stena Line Ports Limited (“the Company”) to construct and maintain works at Holyhead harbour in the County of Anglesey.

The principal works comprise the reclamation of land to provide new berths for vessels and associated landside areas for port related use.

The Order also confers on the Company powers to give general and special directions to vessels in Holyhead harbour.

A full assessment has not been produced for this instrument as no impact on business or the private or voluntary sector is foreseen.