
STATUTORY INSTRUMENTS

2000 No. 2152

The Burry Port Harbour Revision Order 2000

Part II

WORKS

Power to construct, etc., works

4.—(1) Subject to the provisions of this Order, the Council may, in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, construct and maintain the works hereinafter described with all necessary works and conveniences connected therewith—

Work No. 1

An impounding wall, incorporating a reinforced concrete cill with steel flap gate bounded at both ends by existing harbour walls, having a length of 220 metres and a width of 10 metres commencing at reference point SN 244627 200264 and extending in a westerly direction and terminating at reference point SN 244439 200195.

Work No. 2

An extension of solid construction to the western breakwater formed with battered slopes in stone armouring having a length of 135 metres, commencing at the southern limit of the western breakwater at reference point SS 244461 199962 and extending in a southerly direction, and terminating at reference point SS 244489 199832.

Work No. 3

An extension of solid construction to the eastern breakwater formed with battered slopes in stone armouring having a length of 50 metres commencing at the southern limit of the eastern breakwater at reference point SN 244521 200113 and extending in a southerly direction and terminating at reference point SN 244529 200064.

Work No. 4

Piled moorings with a pontoon system to the west of the eastern wall of the Outer Harbour commencing by a bridge connection to the eastern wall at reference point SN 244654 200358 and extending in a westerly then south westerly direction for a distance of 180 metres and terminating at reference point SN 244566 200219.

Work No. 5

Piled moorings with a pontoon system to the east of the western wall of the Outer Harbour commencing by a bridge connection to the western wall at reference point SN 244439 200259 and extending in an easterly then northerly direction for a distance of 140 metres and terminating at reference point SN 244473 200378.

(2) The Council may, within the limits of deviation, from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently the authorised works.

(3) During construction of the works the Council shall implement the mitigation measures detailed in Table 13.2.2.2 of the environmental statement entitled “Burry Port Harbour

Improvements” and dated February 1999 which was supplied to the Secretary of State in pursuance of paragraph A2 of Schedule 3 to the Harbours Act 1964 and made available for inspection in accordance with paragraph 3 of that Schedule.

Power to make subsidiary and accommodation works

5.—(1) Subject to the provisions of this Order, the Council may from time to time construct and maintain—

- (a) within the limits of deviation all such works, conveniences, appliances and apparatus as they from time to time deem necessary or expedient for the purposes of or in connection with or incidental to the construction, maintenance and use of the works authorised by article 4; and
- (b) within the harbour such works for the accommodation or convenience of vessels as they think fit, including, without prejudice to the generality of the foregoing, pontoons, stagings, quays, jetties, piers, walkways, bridges, approaches, slipways, landing places, berthing heads, boat lifts, mooring posts, buoys, bollards, navigation marks and lights.

(2) Paragraph (1)(b) above shall not authorise the construction of any pontoons, stagings, quays, piers, walkways, bridges, berthing heads, boat lifts or mooring posts except within the West Dock, the East Dock and the Outer Harbour as extended by Works 2 and 3.

Power to dredge for purposes of authorised works, etc.

6.—(1) Without prejudice to the generality of article 18 (Power to dredge) below, the Council, for the purposes of constructing and maintaining the authorised works, may from time to time deepen, widen, dredge, scour, cleanse, alter and improve the bed of the sea and foreshore of the harbour and the approaches thereto and may blast any rock within the harbour or in such approaches.

(2) Subject to paragraph (3) below, 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 think 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.

Power to deviate

7. In constructing the works authorised by article 4 the Council may deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limit of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding three metres upwards and to such extent downwards as may be found necessary or convenient.

Strengthening of sea wall

8. The Council may undertake works for the strengthening of the walls of the Outer Harbour and the eastern breakwater and the western breakwater.

Fine for obstructing works

9. Any person who intentionally obstructs any person acting under the authority of the Council in setting out the lines of the authorised works, or who moves or removes any pole, stake, station

point or bench mark established for the purpose of such setting out, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Tidal works not to be executed without approval of Secretary of State

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

(2) If a tidal work is constructed, altered, enlarged, replaced, relaid, extended or reconstructed in contravention of this article or of any condition or restriction imposed under this article—

- (a) the Secretary of State may by notice in writing require the Council at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and, if on the expiration of 30 days from the date when the notice is served upon the Council they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; 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 restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Council.

Provision against danger to navigation

11.—(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 shall from time to time direct.

(2) If without reasonable excuse the Council fail to notify Trinity House as required by this article or to comply in any respect with a direction given under this article, they shall be 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

12.—(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 either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work 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 Secretary of State may include that part of the work, or any portion thereof, 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 Council, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Council.

Survey of tidal works

13. 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 on tidal works

14.—(1) After the completion of a tidal work the Council shall at the outer extremity thereof 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 article, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; 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 tidal works during construction

15.—(1) The Council shall at or near a tidal work during the whole time of the construction, alteration, enlargement, replacement, relaying or extension thereof 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 shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this article, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; but it shall be a defence for the Council to prove that all due diligence was used to secure compliance with the direction.