
STATUTORY INSTRUMENTS

2012 No. 1914

The Hinkley Point Harbour Empowerment Order 2012

PART 4

MISCELLANEOUS AND GENERAL

Closure of the jetty and reinstatement

39.—(1) Subject to paragraph (2), on or before the closure date the Company must cease all operations at the harbour except to comply with this article, and after that date must, as soon as reasonably practicable, dismantle, demolish and remove (so far as constructed) -

- (a) the whole of the jetty and all tidal works associated with the jetty except for those parts of the jetty and works on the ground lying at the level of, or under, the ground or those parts of the jetty or works in the sea below the level of low water lying at the level of, or under, the bed of the sea; and
- (b) any other works owned by the Company as the harbour authority for the harbour (including any development constructed pursuant to permitted development rights under Parts 11 or 17 of Schedule 2 to the 1995 Order) as lie above the level of low water,

and must then reinstate the land so far as affected by so much of those works as lies above the level of low water to its condition prior to the construction of those works in accordance with a landscaping, mitigation and reinstatement strategy to be agreed with the local planning authority.

(2) Subject to paragraph (3), in this article the closure date is 31st December 2025 or such later date as the Marine Management Organisation may, on the application of the Company, allow.

(3) If any of the events specified in sub-paragraphs (a) and (b) occurs before the 31st December 2025 or (as the case may be) such later date, namely that -

- (a) development consent for a nuclear generating station at Hinkley Point has not been granted within 5 years of the date of coming into force of this Order or, though granted, has not been implemented by the carrying out of a material operation within the time specified in the development consent order; or
- (b) the jetty is no longer required by the Company for the construction of a nuclear generating station at Hinkley Point,

the closure date is, in the case of sub-paragraph (a), the date of expiry of that 5 year period or (as the case may be) of that time specified in the development consent order, or, in the case of sub-paragraph (b), the date appointed by resolution of the Company.

(4) Not less than 28 days before a closure date proposed to be appointed by resolution of the Company under paragraph (3), the Company must 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 Company appointing that date.

(5) In their application to the works required by this article, article 3 of, and Parts 11 and 17 of Schedule 2 to, the 1995 Order shall have effect as if the planning permission granted by that Order were subject to the conditions in Schedule 1 relating to those works.