

---

STATUTORY INSTRUMENTS

---

**2013 No. 648**

**The Hinkley Point C (Nuclear Generating Station) Order 2013**

**PART 2**

**Provisions relating to temporary jetty works**

*Supplemental powers*

**Right to dredge**

**62.**—(1) The undertaker may, for the purposes of constructing, maintaining and operating the temporary jetty works and of affording access to the temporary jetty works by vessels, from time to time deepen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels of Bridgwater Bay as lie within the harbour limits and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part 9 of the Merchant Shipping Act 1995<sup>(1)</sup> (salvage and wreck)) from time to time dredged by them.

(2) 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 Marine Management Organisation.

**Abatement of works abandoned or decayed**

**63.**—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the undertaker at its own expense either to repair and restore that work or any part, or to remove that work and restore the site 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 of it, in any notice under this article.

(3) If the undertaker fails to comply in any respect with a notice served under this article within the period of 30 days beginning with the date of service of the notice, the Secretary of State may take whatever steps the Secretary of State considers appropriate to achieve the result required by the notice; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the undertaker.

---

(1) 1995 c. 21. Section 232(2) was amended by section 29(1) of, and paragraph 14 of Schedule 6 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28); section 233 was amended by section 21, and section 240 by section 22, of the 1997 Act.

### **Survey of tidal works**

64. If the Secretary of State considers it expedient to do so, the Secretary of State may order a survey and examination of a tidal work or of the site on 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 undertaker.

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

65. The undertaker shall at or near—

- (a) any tidal work, including any temporary work; or
- (b) any plant, equipment or other obstruction placed, in connection with any authorised development or any work authorised by article 60 (subsidiary works), within the area of seaward construction activity,

during the whole time of the construction, reconstruction, extension, enlargement, replacement or relaying of such work or development, exhibit every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

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

66. In case of damage to, or destruction or decay of, a tidal work or any part of it, the undertaker shall as soon as reasonably practicable notify Trinity House and Bridgwater Harbour Authority and shall lay down such buoys, exhibit such lights, and take such other steps for preventing danger to navigation, as Trinity House may from time to time direct.

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

67. After the completion of a tidal work the undertaker shall at the outer extremity of it exhibit every night from sunset to sunrise such lights, and take such other steps for the prevention of danger to navigation, as Trinity House may from time to time direct.

### **Rights to lease etc.**

68.—(1) The undertaker may at any time lease or grant for the purposes of the harbour undertaking the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour undertaking for such period or periods and on such terms and conditions as may be agreed between the undertaker and the person taking the same.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the functions of the undertaker other than those specified in sub- paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964 (object for whose achievement harbour revision orders may be made).

(3) A person—

- (a) exercising powers conferred by this Order; or
- (b) carrying out any development under planning permission granted by article 3 (permitted development) of, and Part 17 of Schedule 2 (development by statutory undertakers) to, the 1995 Order,

in pursuance of a lease or grant under paragraph (1) (“the lessee or grantee”) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order or by virtue of any

agreement or undertaking by the undertaker if those powers were exercised, or the development carried out, by the undertaker.

(4) The provisions of this Order or of any such agreement or undertaking shall, as respects any such exercise of powers or carrying out of development by the lessee or grantee, have effect (where the context so permits) as if any reference in those provisions to the undertaker included a reference to the lessee or the grantee, as the case may be.