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STATUTORY INSTRUMENTS

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**2008 No. 1261**

**HARBOURS, DOCKS, PIERS AND FERRIES**

The London Gateway Port Harbour Empowerment Order 2008

Made - - - - 2nd May 2008

Coming into force 16th May 2008

THE LONDON GATEWAY PORT  
HARBOUR EMPOWERMENT ORDER 2008

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2. Interpretation
3. Incorporation of the Harbours, Docks and Piers Clauses Act 1847
4. Byelaws
5. Application of the Local Government Act 1972
6. Application of the New Roads and Street Works Act 1991
7. Incorporation of the Railways Clauses Consolidation Act 1845

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9. Agreements entered into by the Company, etc.

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10. Power to construct, etc., works
11. Power to construct, etc., pontoons and jetties
12. Further mitigation and compensation works
13. Power to dredge
14. Power to deviate
15. Fine for obstructing works
16. Tidal works not to be constructed without approval of the Secretary of State
17. Provision against danger to navigation
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19. Stopping up, diversion, provision and upgrading of footpaths and  
bridleways
20. Power to alter layout of streets, etc.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The London Gateway Port Harbour Empowerment Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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Signature

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### SCHEDULES

#### SCHEDULE 1 — WORKS

1. In this Schedule— (a) “Chainage Reference” means the relevant chainage...
2. The works referred to in article 10(1) are— Work No....

#### SCHEDULE 2 — RESTRICTIONS ON WORKS

1. In this Schedule, “building” does not include any form of...

##### *Containers and associated equipment*

2. Within the port premises, containers may not be stacked above...
3. Within the port premises, gantry cranes used for stacking or...
4. Quayside container cranes may only be used in the area...
5. Quayside equipment other than container cranes, such as general cargo...

##### *Other height restrictions*

6. Subject to paragraph 10, in the area washed in yellow...
7. In the area washed in blue on the planning restrictions...
8. Material dredged pursuant to article 13 (power to dredge) may...
9. Within the port premises, internal harbour security fencing shall not...

##### *Railways*

10. In the area cross-hatched on the planning restrictions plan, railway...
11. Only in the area cross-hatched on the planning restrictions plan...

##### *Other construction restrictions*

12. No flood lighting columns shall be constructed within 50 metres...
13. No more than five entry and exit complexes with associated...
14. No more than one multi-storey car storage facility is permitted...
15. No more than one multi-storey car park is permitted with...

##### *Activities permitted for construction or operational purposes only*

16. Once constructed— (a) no part of the water frontage of...
17. Construction plant, concrete batching plant, temporary grading, washing and weighing...
18. Storage of fuels including diesel, petroleum or liquid petroleum gas...
19. The underground storage and pumping of storm, surface and waste...
20. The construction and operation of electricity sub-stations is only permitted...
21. No signage is permitted within the port premises other than...

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22. No relocation, reconstruction or improvement of the existing bitumen and...
23. Subject to paragraph 24, the area of jurisdiction shall not...
24. Paragraph 23 shall not preclude— (a) the permanent use of...

*Application of Town and Country Planning legislation*

25. The provisions of this Schedule shall be deemed to be...

SCHEDULE 3 — DREDGING WORKS

1. In this Schedule— (a) “Coordinates Reference” means the relevant coordinates...
2. The works referred to in article 13(1) are as follows—...

SCHEDULE 4 — STOPPING UP OF FOOTPATHS AND BRIDLEWAY AND NEW PUBLIC RIGHTS OF WAY TO BE SUBSTITUTED

SCHEDULE 5 — APPLICATION OF PERMITTED DEVELOPMENT RIGHTS

PART 1 — GENERAL PERMITTED DEVELOPMENT

1. (1) In their application to any development authorised by this...
2. (1) Any change of use of the port premises to...

PART 2 — HABITATS REGULATIONS

3. Subject to paragraph 4, regulation 60(1) of the Habitats Regulations...
4. If and to the extent that any development authorised by...

SCHEDULE 6 — FOR THE PROTECTION OF THURROCK BOROUGH COUNCIL AND OTHERS

*General*

1. The following provisions of this Schedule shall have effect for...
2. (1) In this Schedule— “the A13 Lakeside Link” means that...

*The authorised works in combination with the related development*

3. In circumstances where the related development is materially implemented and...
4. None of the B1(b), B1(c), B2 or B8 uses or...
5. (1) This paragraph shall apply unless the Highways Agency acting...
6. No more than the following combinations of B1(b), B1(c), B2...
7. No more than the following combinations of B1(b), B1(c), B2...
8. No more than the following combinations of B1(b), B1(c), B2...
9. No more than 100,000m<sup>2</sup> of the B1(b), B1(c), B2 and...
10. No more than the following combinations of B1(b), B1(c), B2...
11. No more than 157,000m<sup>2</sup> of B1(b), B1(c), B2 and B8...
12. No more than 167,000m<sup>2</sup> of B1(b), B1(c), B2 and B8...
13. No more than the following combinations of B1(b), B1(c), B2...

*The authorised works without the related development*

14. (1) In circumstances where the related development is not materially...

*Travel Plan*

15. None of the authorised works shall be brought into beneficial...

*Noise mitigation measures*

16. Prior to bringing into beneficial use any of the authorised...
17. (1) The Harbour Authority and the appropriate authority shall agree...

*Sustainable handling and transport*

18. Construction of the authorised works shall not be commenced until...

*Storage of fluids*

19. Notwithstanding the provisions of the 1995 Order any oil and...

*Application of Town and Country Planning legislation*

20. The provisions of this Schedule shall be deemed to be...

SCHEDULE 7 — FOR THE PROTECTION OF NETWORK RAIL

1. (1) The provisions of this Schedule shall, unless otherwise agreed...
2. The Harbour Authority shall not, under the powers conferred by...
3. The provisions of article 32 (extinction of private rights of...
4. The exercise by the Harbour Authority against Network Rail of...
5. Where Network Rail is asked to give its consent pursuant...
6. The Harbour Authority shall before commencing construction of the specified...
7. The approval of the engineer under paragraph 6 shall not...
8. If by the end of the period of 56 days...
9. (1) When signifying his approval of the plans the engineer...
10. Any specified work and any protective works to be constructed...
11. The Harbour Authority shall— (a) at all times afford reasonable...
12. Network Rail shall at all times afford reasonable facilities to...
13. (1) If any alterations or additions, either permanent or temporary,...
14. The Harbour Authority shall repay to Network Rail all reasonable...
15. If at any time after the completion of a specified...
16. The Harbour Authority shall not provide any illumination or illuminated...
17. Any additional expenses which Network Rail may reasonably incur in...
18. The Harbour Authority shall pay to Network Rail all reasonable...
19. Network Rail shall give to the Harbour Authority reasonable notice...
20. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
21. (1) The sums payable by the Harbour Authority under paragraph...

SCHEDULE 8 — FOR THE PROTECTION OF THE PORT OF LONDON AUTHORITY

*General*

1. (1) The provisions of this Schedule shall, unless otherwise agreed...

*Tidal Works: approval of detailed design*

2. (1) Before— (a) submitting any plans and sections for any...
3. Subject to paragraph 21, no tidal work shall be subject...
4. Any operations for the construction of any tidal work approved...

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*Discharges, etc.*

5. (1) The Harbour Authority shall not without the consent of...
6. The Harbour Authority shall not, in exercise of the powers...

*Obstruction in river*

7. If any pile, stump or other obstruction to navigation becomes...

*Removal, etc. of PLA moorings and buoys*

8. If— (a) by reason of the construction of any tidal...

*Navigational lights, buoys, etc.*

9. In addition to any requirement under article 18 (lights on...

*Removal of temporary works*

10. On completion of the construction of any part of a...

*Protective action*

11. (1) If any tidal work— (a) is constructed otherwise than...

*Abandoned or decayed works*

12. (1) If any tidal work or any other work of...

*Facilities for navigation*

13. (1) The Harbour Authority shall not in the exercise of...

*Survey of riverbed*

14. (1) Before the commencement of construction of the first tidal...

*Sedimentation, etc.: remedial action*

15. (1) This paragraph applies if any part of the river...

*Indemnity*

16. (1) The Harbour Authority shall be responsible for and make...

*Dedication of land for conservation, etc.*

17. (1) Before dedicating or designating any land under article 47...

*Statutory functions*

18. (1) Subject to article 4(3) and this paragraph, any function...

*Vesting of reclaimed river bed*

19. (1) Section 72 of the 1968 Act (vesting of embanked...

*Compensation for river bed*

20. Notwithstanding paragraph 3, and unless otherwise agreed in writing between...

*Maintenance dredging*

21. For the avoidance of doubt, section 73 of the 1968...

*Consideration for dredged material*

22. (1) The Harbour Authority shall pay to the PLA for...

*Removal of wrecks and obstructions, etc.*

23. (1) Before exercising any power under section 252 of the...

*Disputes*

24. Any dispute arising between the Harbour Authority and the PLA...

SCHEDULE 9 — FOR THE PROTECTION OF THE TRINITY HOUSE LIGHTHOUSE SERVICE

*General*

1. The provisions of this Schedule shall, unless otherwise agreed in...
2. Nothing in this Order shall prejudice or derogate from any...

*Indemnity*

3. (1) The Harbour Authority shall be responsible for and reimburse...

SCHEDULE 10 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

*General*

1. (1) The provisions of this Schedule shall, unless otherwise agreed...

*Definitions applying to this Schedule*

2. In this Schedule— “accumulation” means any accumulation of silt or...

*Tidal works*

3. (1) At the same time as submitting any plans and...

*Pre-conditions to commencing specified work*

4. (1) Before beginning to construct any specified work other than...

*Survey of any drainage work liable to be affected by a specified work*

5. Before commencing the construction of a specified work liable to...

*Maintenance by Harbour Authority of drainage works within its jurisdiction*

6. (1) Subject to sub-paragraph (2), the Harbour Authority shall, from...

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*Impairment of efficiency of drainage work for flood defence*

7. If, by reason of the construction of a specified work...

*Damage to flood defences managed by the Agency*

8. (1) If, during the construction of a specified work or...

*Protection of the fishery*

9. (1) The Harbour Authority shall take all such measures as...

*Indemnity as to costs and expenses*

10. (1) The Harbour Authority shall indemnify the Agency in respect...  
11. The fact that any work or thing has been executed...

*Approvals deemed and not deemed*

12. (1) For the purposes of section 109 of the Water...

*Arbitration in respect of differences arising under this Schedule between the parties*

13. (1) Provided the Harbour Authority and the Agency agree, any...

**SCHEDULE 11 — FOR THE PROTECTION OF NATIONAL GRID GAS PLC AND OTHER STATUTORY UNDERTAKERS**

*Apparatus of statutory undertakers, etc., on land acquired*

1. (1) Subject to the following provisions of this paragraph, sections...

*Protection for National Grid Gas plc*

2. (1) For the protection of the undertaker referred to in...  
3. (1) If, in the exercise of any of its powers...  
4. (1) Where, in accordance with the provisions of this Schedule,...  
5. (1) Not less than 56 days before commencing the construction...  
6. (1) Subject to the following provisions of this paragraph, the...  
7. (1) Subject to sub-paragraphs (2) and (3), if by reason...

**SCHEDULE 12 — LAND WHICH MAY BE ACQUIRED COMPULSORILY**

Explanatory Note



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**Changes and effects yet to be applied to :**

- Sch. 6 para. 2(2) modified by [S.I. 2020/757 reg. 5](#)
- art. 2(1) words substituted by [S.I. 2009/1307 Sch. 2 para. 125](#)
- art. 13(4)(b) substituted by [S.I. 2011/556 Sch. para. 8\(2\)](#)
- art. 44(2) words substituted by [S.I. 2015/1682 Sch. para. 10\(s\)](#)