
STATUTORY INSTRUMENTS

2013 No. 648

The Hinkley Point C (Nuclear Generating Station) Order 2013

PART 2

Provisions relating to temporary jetty works

Principal powers

Development consent etc. for temporary jetty works

54.—(1) Subject to the requirements and the other provisions of this Order, the undertaker is granted development consent for so much of the temporary jetty works as are development within the meaning of section 32 of the 2008 Act.

(2) Subject to article 55 (power to deviate), Work Nos. TJ1, TJ2 and TJ3 shall be carried out in the lines and situations shown on sheet nos. 7, 8 and 9, and in accordance with the levels shown on sheet no. 10.

(3) The undertaker may, for the purposes of the temporary jetty works authorised by paragraph (1), remove any vegetation or other objects or materials lying within the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 shown on the works plans.

Power to deviate

55.—(1) In carrying out Work Nos. TJ1, TJ2 and TJ3, the undertaker may deviate vertically from the levels of the works as shown on the sections shown on the works plans to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

(2) In carrying out Work Nos. TJ1 and TJ2, the undertaker may deviate laterally from the lines or situations shown on the works plan to any extent not exceeding 5 metres in any direction.

(3) In carrying out Work No. TJ3, the undertaker may—

- (a) as respects so much of the work as lies between the commencement of the work and the line showing mean high water on sheet no. 9, deviate laterally from the lines or situations shown on the works plan to any extent not exceeding the limits of deviation shown on sheet no. 9; and
- (b) as respects so much of the work as lies between the line showing mean high water on sheet no. 9 and the termination of the work, deviate laterally from the lines or situations shown on sheet no. 9 to any extent not exceeding 5 metres in any direction.

Further powers as to works and extinguishment of rights

56.—(1) The undertaker may, in connection with the construction of the temporary jetty works—

- (a) enclose or reclaim from the foreshore and bed of the sea; and
- (b) hold and use as part of Work No. TJ1,

so much of the foreshore and bed of the sea as is situated within the limits of deviation and is required for, or in connection with, the construction of those works.

(2) As soon as the undertaker exercises the powers under paragraph (1), any right of navigation or other public rights over the part of the sea and the foreshore in respect of which it exercises those powers shall be extinguished.

Period for completion of works and termination of works powers

57.—(1) If the temporary jetty works are not completed within ten years from the coming into force of this Order or such extended period as the Secretary of State may on the application of the undertaker allow, then on the expiration of that period or such extended time (as the case may be) the rights granted to the undertaker by this Order for constructing and operating the works shall cease to have effect except in relation to so much of the works as have by then been commenced by the carrying out of a material operation within the meaning of section 56(4) of the 1990 Act.

(2) Nothing in paragraph (1) shall apply to any works carried out under article 59 (maintenance of temporary jetty works) or article 60 (subsidiary works).

(3) Notwithstanding paragraphs (1) and (2), on the closure date determined in accordance with article 82 any powers conferred on the undertaker still existing for constructing, maintaining and operating the temporary jetty shall cease to have effect, except in so far as required for the implementation of that article and the application of the requirements relating to that article.

Limits of harbour

58.—(1) The limits of the harbour within which the undertaker shall exercise jurisdiction as the harbour authority and within which the powers of the harbour master shall be exercisable shall be the seaward and the landward areas described in Schedule 16 (limits of harbour), the seaward area of which is shown, for the purpose of identification only, edged by a green broken line referred to as the temporary jetty seaward harbour limits on sheet no. 6.

(2) In the event that there is any discrepancy between the description of the seaward area in Schedule 16 and the area shown on sheet no. 6, the description shall prevail.

Maintenance of temporary jetty works

59. The undertaker may at any time maintain the temporary jetty works and from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently a work described in Part 2 of Schedule 1 (temporary jetty works) within the limits of deviation provided for that work under article 55 and may maintain and operate that work as altered, enlarged, replaced, relayed, extended or reconstructed, except to the extent that this Order provides otherwise.

Subsidiary works

60.—(1) Subject to paragraph (3), the undertaker may from time to time within the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 shown on sheet nos. 7 to 9 provide and operate such harbour facilities, together with works ancillary to those facilities, as may be necessary or convenient for the construction or maintenance of or the operation of the temporary jetty, and for this purpose the undertaker may construct, maintain and operate roads, buildings, sheds, offices, workshops, depots, walls, foundations, fences, gates, tanks, pumps, conduits, pipes, drains, wires, mains, cables, electrical substations, signals, conveyors, cranes, container handling equipment, lifts, hoists, lighting columns, weighbridges, stairs, ladders, stages, platforms, catwalks, equipment, machinery and appliances and such other works and conveniences (including levelling, raising and lowering of surfaces) as may be necessary or expedient.

(2) Subject to paragraph (3), the undertaker may within the limits of deviation for Work Nos. TJ1, TJ2 and TJ3 shown on sheet nos. 7 to 9 carry out, maintain and operate 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 temporary jetty works including—

- (a) works for the accommodation or convenience of vessels (including dolphins, mooring posts, buoys and pontoons) or for the loading and unloading of goods and the embarking and landing of personnel; and
- (b) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations and electrical lines.

(3) Electrical works, mechanical works or equipment constructed, maintained or used pursuant to the powers conferred by this article, shall be so constructed, maintained or used, that any electricity generated, conveyed or used by, in or in connection with them does not cause interference (whether by induction or otherwise) with any telecommunications apparatus or with telecommunication by means of such apparatus.

Obstruction of work

61. Any person who—

- (a) intentionally obstructs any person acting under the authority of the undertaker in setting out the lines of, or in constructing, the temporary jetty 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,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.