
STATUTORY INSTRUMENTS

2022 No. 299

The Bridgwater Tidal Barrier Order 2022

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Bridgwater Tidal Barrier Order 2022 and comes into force on 25th March 2022.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961⁽¹⁾;

“the 1965 Act” means the Compulsory Purchase Act 1965⁽²⁾;

“the 1980 Act” means the Highways Act 1980⁽³⁾;

“the 1990 Act” means the Town and Country Planning Act 1990⁽⁴⁾;

“the 1991 Act” means the New Roads and Street Works Act 1991⁽⁵⁾;

“address” includes any number or address used for the purposes of electronic transmission;

“the Agency” means the Environment Agency;

“the authorised works” means the scheduled works and any other works or operations authorised by this Order, or any part of them;

“the barrier” means the barrier comprised in Work No.1A;

“borrow pit” means an area of land within which it is proposed that existing ground material be excavated and thereafter utilised during construction of the scheduled works;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in section 329(1) of the 1980 Act;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“enactment” means any enactment, whether public, general or local and includes any order, byelaw, rule, regulation, direction, scheme or other instrument having effect by virtue of an enactment;

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1980 c. 66.
(4) 1990 c. 8.
(5) 1991 c. 22.

“foot and cycle bridge” means the foot and cycle bridge which forms part of Work No.1A;

“footway” has the same meaning as in section 329(1) of the 1980 Act;

“harbour authority” has the same meaning as in section 57(1) of the Harbours Act 1964;

“the Harbour Authority” means Sedgemoor District Council being the harbour authority for the Port of Bridgwater, and includes its harbour master and statutory successors;

“highway” and “highway authority” have the same meanings as in the 1980 Act;

“the land plans” means the land plans included within the Order plans and certified by the Secretary of State as the land plans for the purposes of this Order;

“the level of high water” means the level of mean high water springs;

“the limits of deviation” means the limits of lateral deviation for the scheduled works referred to in article 5 (power to deviate);

“local authority” has the same meaning as in Part 1 of the Local Government Act 2000(6);

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to be construed accordingly;

“navigation” includes navigation for recreational purposes, save where expressly stated otherwise;

“Order limits” means the limits so shown and described on the works plans;

“Order plans” means the plans certified by the Secretary of State as the Order plans for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7(1) of the Acquisition of Land Act 1981(7);

“Port of Bridgwater” means the harbour undertaking of Sedgemoor District Council vested in it by the Bridgwater Navigation and Quays Act 1845(8);

“the public rights of way plans” means the public rights of way plans included within the Order plans and certified by the Secretary of State as the public rights of way plan for the purposes of this Order;

“the river” means the River Parrett;

“the river area” means so much of the river as lies within the Order limits;

“the scheduled works” means the works specified in Schedule 1 (scheduled works) or any part of them;

“the sections” means the sections included within the Order plans;

“sewerage undertaker” has the same meaning as in Part 1 of the Water Industry Act 1991(9);

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“tidal work” means so much of any work authorised by this Order as is in, on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“vertical lift gate” means either one of the twin vertical lift gates comprised within the barrier;

(6) 2000 c. 22.

(7) 1981 c. 67. Section 7(1) was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1992 (c. 34).

(8) 1845 c. lxxxix.

(9) 1991 c. 56.

“vessel” means every description of vessel with or without means of propulsion of any kind and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968⁽¹⁰⁾;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer or drain; and

“the works plans” means the works plans included within the Order plans and certified by the Secretary of State as the works plans for the purpose of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface and references to the subsoil of any land include references to any cellar, basement, vault, arch or other construction forming part of any such land.

(3) Any reference in this Order to a work identified by a number of the work is a reference to the work of that number referred to in Schedule 1 (scheduled works).

(4) References in this Order to numbered plots are references to plot numbers shown on the Order plans.

(5) References in this Order to reference points are construed as references to Ordnance Survey National Grid Reference points.

(6) References in this Order to points identified by letters, or letters and numbers, are to be construed as references to points on the Order plans.

(7) All distances, directions, lengths, points and areas stated in the description of the scheduled works or in any description of powers or lands are approximate and distances between points on a scheduled work are to be taken to be measured along the scheduled work.

Application of streets and traffic regulation

3.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway must be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major transport works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or

(b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act⁽¹¹⁾ (dual carriageways and roundabouts) or section 184 of that Act⁽¹²⁾ (vehicle crossings).

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned must, in relation to works which are major transport works by virtue of paragraph (1), be construed as references to the Agency.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

(a) section 56⁽¹³⁾ (directions as to timing of street works);

(b) section 56A⁽¹⁴⁾ (power to give directions as to placing of apparatus);

⁽¹⁰⁾ 1968 c. 59.

⁽¹¹⁾ Section 64 was amended by Schedule 17 to the Local Government Act 1985 (c. 51) and Schedule 9 to the 1991 Act.

⁽¹²⁾ Section 184 was amended by sections 35 and 46 of the Criminal Justice Act 1982 (c. 48), by section 4 of, and paragraph 45(11) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and by Part 1 of Schedule 8 to the 1991 Act.

⁽¹³⁾ Section 56 was amended by sections 40 and 43 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

⁽¹⁴⁾ Section 56A was inserted by section 44 of the Traffic Management Act 2004.

- (c) section 58(15) (restrictions following substantial road works);
- (d) section 73A (power to require undertaker to re-surface street);
- (e) section 73B (power to specify timing etc. of re-surfacing);
- (f) section 73C (materials, workmanship and standard of re-surfacing);
- (g) section 78A (contributions to costs of re-surfacing by undertaker); and
- (h) Schedule 3A(16) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5), which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made, or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the Agency under the powers conferred by article 11 (temporary stopping up and diversion of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act(17) referred to in paragraph (4) are—

- (a) section 54(18) (advance notice of certain works) subject to paragraph (6);
- (b) section 55(19) (notice of starting date of works) subject to paragraph (6);
- (c) section 57(20) (notice of emergency works);
- (d) section 59(21) (general duty of street authority to co-ordinate works);
- (e) section 60(22) (general duty of undertakers to co-operate);
- (f) section 68(23) (facilities to be afforded to street authority);
- (g) section 69(24) (works likely to affect other apparatus in the street);
- (h) section 76 (liability for cost of temporary traffic regulation);
- (i) section 77 (liability for cost of use of alternative route); and
- (j) all such other provisions as apply for the purposes of the provisions mentioned in subparagraphs (a) to (i).

(6) Section 57 as applied by paragraph (5) has effect as if references to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Part 3 of the Traffic Management Act 2004(25) and any permit scheme made under that Part do not apply in relation to any works executed under this Order.

(15) Section 58 was amended by sections 40 and 51 of, and Schedule 1 to, the Traffic Management Act 2004.

(16) Schedule 3A was inserted by Schedule 4 to the Traffic Management Act 2004 (c. 18).

(17) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004.

(18) Section 54 was amended by section 40(1) and (2) and section 49(1) of, and Schedule 1 to, the Traffic Management Act 2004.

(19) Section 55 was amended by sections 40(1) and (2), 49(2) and 51(9) of, and Schedule 1 to, the Traffic Management Act 2004.

(20) Section 57 was amended by sections 40(1) and (2) and 52(3) of, and Schedule 1 to, the Traffic Management Act 2004.

(21) Section 59 was amended by sections 40(1) and (2), and 42 of, and Schedule 1 to, the Traffic Management Act 2004.

(22) Section 60 was amended by sections 40(1) and (2) of, and Schedule 1 to the Traffic Management Act 2004.

(23) Section 68 was amended by sections 40(1) and (2) of, and Schedule 1 to the Traffic Management Act 2004.

(24) Section 69 was amended by sections 40(1) and (2) of, and Schedule 1 to the Traffic Management Act 2004.

(25) 2004 c. 18.