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WELSH STATUTORY INSTRUMENTS

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**2023 No. 897**

**The Holyhead Harbour Revision Order 2023**

**PART 4**

**MISCELLANEOUS**

**Defence of due diligence**

**22.**—(1) In proceedings for an offence under any provision of this Order mentioned in paragraph (2) it is a defence for the Company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) The provisions referred to in paragraph (1) are—

- (a) article 9 (provision against danger to navigation),
- (b) article 11 (lights on tidal works during construction), and
- (c) article 12 (permanent lights on tidal works).

(3) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, the Company is not, without leave of the court, entitled to rely on that defence unless, within a period of 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in their possession.

**Saving for Trinity House**

**23.** Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

**Crown rights**

**24.**—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Order authorises the Company to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to His Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners,
- (b) belonging to His Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land, or
- (c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

## **Amendments**

25. The following provisions of the 1959 Act are to be read as if—

- (a) in section 4 (incorporation of general Acts), paragraph (c), after “50” there were inserted “52”, and
- (b) in section 30 (application of the 1847 Act), subsection (2)(e) were omitted.

## **Environmental requirements**

26.—(1) Before the commencement of the works authorised by article 3(1) a heritage management plan must be submitted to and approved in writing by the local planning authority. The heritage management plan must include details of the following—

- (a) measures to be taken to record the existing setting of the Admiralty Pier (LB14757) and the Admiralty Pier Lighthouse (LB14758),
- (b) designs for the alteration of existing permanent means of enclosure for the works to be constructed pursuant to article 3(1) for the purpose of enhancing views from the Holyhead Beach Conservation Area to heritage assets situated within the harbour, and
- (c) measures to manage the temporary storage of containers within the harbour during the period of construction of the works authorised by article 3(1) for the purpose of mitigating any temporary impacts to the existing views of heritage assets located on Salt Island.

(2) The details within the heritage management plan must be implemented by the Company in accordance with the details approved by the local planning authority under paragraph (1).

(3) No later than 6 months after the completion of the works authorised by article 3(1) a heritage information plan must be submitted to and approved in writing by the local planning authority. The heritage information plan must include details of the following—

- (a) measures to be taken to provide publicly accessible heritage interpretation boards for the Admiralty Pier (LB14757) and the Admiralty Pier Lighthouse (LB14758),
- (b) measures to be taken to improve public accessibility to heritage assets situated within the harbour, and
- (c) an implementation timetable for the measures identified in paragraphs 3(a) and (b).

(4) The details within the heritage information plan must be implemented by the Company in accordance with the details approved by the local planning authority under paragraph (3).