

**2000 No. 62**

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Llanelli (North Dock) Harbour Revision Order 2000**

*Made* - - - *13th January 2000*

*Coming into force* *3rd February 2000*

**ARRANGEMENT OF ARTICLES**

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Whereas the Carmarthenshire County Council is the harbour authority for the port and harbour of Llanelli by virtue of the Llanelli Harbour Revision Order 1997**(a)** and has applied for a harbour revision order under section 14 of the Harbours Act 1964**(b)**;

And whereas an objection duly made to the application has been withdrawn;

And whereas the Secretary of State having, in pursuance of paragraph A2 of Schedule 3 to the said Act**(c)**, determined that the application is made in relation to a project which falls within

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**(a)** S.I. 1997/325.

**(b)** 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2, 3, 4(1) and 14, and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 2.

**(c)** Paragraph A2 was inserted by the Harbour Works (Assessment of Environmental Effects) (Amendment) Regulations 1996 (S.I. 1996/1946), regulation 2(2). Schedule 3 was amended by the Transport Act 1981, section 18 and Schedule 6, paragraphs 4(2) to (7) and 12 and by the Transport and Works Act 1992, Schedule 3, paragraph 10.

Annex II to Council Directive 85/337/EEC(a) on the assessment of the effects of certain public and private projects on the environment but whose characteristics do not require that it should be made subject to an environmental assessment;

Now, therefore, the Secretary of State for the Environment, Transport and the Regions, (being the appropriate Minister under subsection (1) of the said section 14(b)) in exercise of the powers conferred by that section and now vested in him(c), and of all other powers enabling him in that behalf, hereby makes the following Order:–

### **Citation and commencement**

1.—(1) This Order may be cited as the Llanelli (North Dock) Harbour Revision Order 2000.

(2) The Llanelly Harbour Acts and Orders 1858 to 1997, the Llanelli Borough Council (River Lliedi) Act 1992(d) and this Order may be cited together as the Llanelli Harbour Acts and Orders 1858 to 2000.

(3) This Order shall come into force on 3rd February 2000.

### **Interpretation**

2.—(1) In this Order unless the context otherwise requires–

“authorised works” means Works Nos. 1 and 2 and any other works authorised by this Order, or any part of such works;

“the Council” means the Carmarthenshire County Council;

“the deposited plans” and “the deposited sections” mean respectively the plans and sections (numbered Sheets 1 and 2) prepared in duplicate, signed by the Head of Ports Division in the Department of the Environment, Transport and the Regions and marked “Llanelli (North Dock) Harbour Revision Order 2000–Plans and Sections” one copy of which is deposited at the offices of the Department of the Environment, Transport and the Regions and the other at the offices of the Council at County Hall, Carmarthen, SA31 1JP;

“the harbour” means the port and harbour of Llanelli in the county of Carmarthenshire;

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

“the limits of deviation” means the limits of deviation shown on the deposited plans;

“North Dock” means the part of the harbour known as such which is situated to the north of the relevant part of the river Lliedi;

“reference point” means Ordnance Survey National Grid reference point;

“the relevant part of the river Lliedi” means so much of the river Lliedi in Llanelli forming part of Lliedi Haven as lies to the north of an imaginary straight line drawn between reference point SS249858 199407 and reference point SS249893 199421 shown on the deposited plans;

“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters;

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

(2) All distances and lengths stated in any description of powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance or length.

### **Power to construct, etc., works**

3.—(1) Subject to the provisions of this Order, the Council may, in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, construct and maintain the works hereinafter described in the County of Carmarthenshire with all necessary works and conveniences connected therewith–

### **Work No. 1**

A fixed bridge across the entrance to North Dock having a length of 27.5 metres and a width of 15.2 metres, commencing west of that entrance at reference point SS249852 199435, extending in an easterly direction and terminating east of that entrance at reference point SS249879 199440.

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(a) O.J. No. L175, 5.7.85, p. 40.

(b) For the definition of “the Minister” (mentioned in section 14) *see* section 57(1).

(c) S.I. 1981/238 and S.I. 1997/2971.

(d) 1992 c. xix.

## **Work No. 2**

An impounding wall, incorporating a reinforced concrete cill with weir penstock and sluices bounded at both ends by existing walls at the entrance to North Dock having a length of 19.2 metres and a width of 2.5 metres commencing at reference point SS249853 199453 and extending in an easterly direction and terminating at reference point SS249872 199456.

(2) The Council may, within the limits of deviation, from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently the authorised works.

### **Power to make subsidiary and accommodation works**

4. Subject to the provisions of this Order, the Council may from time to time construct and maintain within the limits of deviation all such works, conveniences, appliances and apparatus as they from time to time deem necessary or expedient for the purposes of or in connection with or incidental to the construction, maintenance and use of the works authorised by article 3 above.

### **Works in North Dock**

5. The Council may carry out works for raising the level, and improving the surface, of the base of North Dock.

### **Power to dredge for purposes of authorised works, etc.**

6.—(1) The Council, for the purposes of constructing and maintaining the authorised works, may from time to time deepen, widen, dredge, scour, cleanse, alter and improve the bed of the sea and foreshore of the harbour and the approaches thereto and may blast any rock within the harbour or in such approaches.

(2) Subject to paragraph (3) below, all materials dredged up or removed by the Council in exercise of the powers of this article shall be the property of the Council and may be used, sold, deposited or otherwise disposed of as the Council think fit.

(3) 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 Secretary of State.

### **Power to deviate**

7. In constructing the works authorised by article 3 above the Council may deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limit of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding three metres upwards and to such extent downwards as may be found necessary or convenient.

### **Tidal works not to be executed without approval of Secretary of State**

8.—(1) A tidal work shall not be constructed, altered, enlarged, replaced, relaid, extended or reconstructed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

(2) If a tidal work is constructed, altered, enlarged, replaced, relaid, extended or reconstructed in contravention of this article or of any condition or restriction imposed under this article—

- (a) the Secretary of State may by notice in writing require the Council at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and, if on the expiration of 30 days from the date when the notice is served upon the Council they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
- (b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Council.

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

9.—(1) In case of injury to, or destruction or decay of, a tidal work or any part thereof, the Council shall as soon as reasonably practicable notify Trinity House and shall lay down such

buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If without reasonable excuse the Council fail to notify Trinity House as required by this article or to comply in any respect with a direction given under this article, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

#### **Abatement of works abandoned or decayed**

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

(3) If, on the expiration of 30 days from the date when a notice under this article is served upon the Council, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Council.

#### **Survey of tidal works**

**11.** The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work or of the site upon 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 Council.

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

**12.**—(1) After the completion of a tidal work the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this article, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; but it shall be a defence for the Council to prove that all due diligence was used to secure compliance with the direction.

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

**13.**—(1) The Council shall at or near a tidal work during the whole time of the construction, alteration, enlargement, replacement, relaying or extension thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation, as the Secretary of State shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this article, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine; but it shall be a defence for the Council to prove that all due diligence was used to secure compliance with the direction.

#### **Extinguishment of rights of navigation over river Lliedi and North Dock**

**14.**—(1) Notwithstanding anything contained in the Llanelly Harbour Acts and Orders 1858 to 1997 or any other enactment or rule of law to the contrary, any existing right of navigation over the relevant part of the river Lliedi and North Dock shall be extinguished on the completion of the construction of the works authorised by article 3 above.

(2) As from the completion of the construction of the works authorised by article 3 above, Carmarthenshire County Council shall be under no obligation to maintain and manage the relevant part of the river Lliedi or North Dock; and, accordingly, any powers, rights, liabilities and obligations relating to the relevant part of the river Lliedi or to North Dock which may be conferred or imposed on Carmarthenshire County Council by the Llanelly Harbour Acts and Orders 1858 to 1997 or otherwise shall cease.

### **Crown rights**

**15.**—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the Council to take, use, enter upon or in any manner interfere with, any land, hereditaments, or rights of whatsoever description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under paragraph (1) above may be given unconditionally or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Signed by authority of the Secretary of State  
for the Environment, Transport and the Regions

13th January 2000

*Stephen Reeves*  
Department of the Environment, Transport and the Regions

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order authorises the Carmarthenshire County Council as the harbour authority for Llanelli Harbour to construct at North Dock a fixed bridge, and a cill with weir penstock and sluices, across the entrance to North Dock and to raise and improve the base of North Dock.

The Order also extinguishes rights of navigation over North Dock and the part of the river Lliedi immediately to the south of North Dock.

The applicants for the Order are Carmarthenshire County Council.

**£2.00**

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