
STATUTORY INSTRUMENTS

2022 No. 299

The Bridgwater Tidal Barrier Order 2022

PART 2

WORKS PROVISIONS

Works and operations in the river

Works and dredging etc. in the river

6.—(1) Without affecting the other powers conferred by this Order or otherwise available to it, the Agency may within the river area for the purposes of or in connection with the construction, maintenance or operation of the authorised works, for the purpose of facilitating the navigation of vessels and any other ancillary purposes and despite any interference with any public or private rights—

- (a) alter, clean, dismantle, refurbish, remove, relocate or replace any work or structure,
- (b) carry out excavations and clearance, dredging, deepening, scouring, cleansing, dumping and pumping operations,
- (c) use, appropriate, sell, deposit or otherwise dispose of any materials (including liquids but excluding any wreck within the meaning of section 255(1) of the Merchant Shipping Act 1995⁽¹⁾ (interpretation)) obtained by it in carrying out any such operations,
- (d) remove or relocate any mooring,
- (e) temporarily moor or anchor vessels and structures and load and unload into and from such vessels or structures equipment, machinery, soil and any other materials in connection with the construction of the authorised works,
- (f) temporarily remove, alter, strengthen, interfere with, occupy and use the banks, bed, foreshore, waters and walls of the river, and
- (g) construct, place and maintain works and structures including piled fenders and protection piles,

in such manner and to such extent as may appear to it to be necessary or convenient.

(2) The power to dredge conferred by paragraph (1)(b) includes the power to carry out such additional dredging as may be required to provide side slopes or otherwise secure the dredged area against siltation, scouring or collapse.

(3) Except in the case of an emergency, the Agency will use its reasonable endeavours to notify the owner of any mooring affected by the proposal to exercise the powers conferred by paragraph (1)(d) before the exercise of that power.

(4) All expenses incurred by the Agency in removing or relocating under paragraph (1)(d) any mooring created after the date of this Order are to be paid to the Agency by the owner of the mooring.

(5) A person may not without the consent in writing of the Agency (which may be given subject to conditions)—

- (a) use, for the purpose of landing or embarking persons or landing or loading goods from or into any vessel, any work constructed or used in connection with the authorised works, or
- (b) remove, move or otherwise interfere with any work, machinery, apparatus, tools or other things in use or intended for use in constructing the authorised works.

(6) A person who without reasonable excuse contravenes paragraph (4), or fails to comply with any conditions attached to a consent given under that paragraph, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

River not to be a reservoir

7.—(1) A body of water or any area or structure capable of storing water created by or in consequence of—

- (a) construction or operation of any of the scheduled works, or
- (b) overtopping of the downstream defences,

is not a reservoir for the purposes of section A1 of the Reservoirs Act 1975⁽²⁾ (“large raised reservoir” England and Wales).

(2) In paragraph (1), “downstream defences” means Work Nos. 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 3E, 4A, 4B, 4C, 6A, 6B, 6C, 6D.

(2) 1975 c. 23. Section A1 was inserted by section 33 of the Flood and Water Management Act 2010 (c. 29).