
WELSH STATUTORY INSTRUMENTS

2023 No. 897

The Holyhead Harbour Revision Order 2023

PART 2

WORKS

Power to construct works

3.—(1) Subject to the provisions of this Order, the Company may in the lines and situations and upon the lands delineated on the deposited plans and within the limits of deviation shown on them and according to the levels shown on the deposited sections, construct and maintain in Anglesey the following works, with all necessary works and conveniences connected with them—

- (a) Work No. 1 – A wall including a quay face 370 metres in length forming a berth for vessels and incorporating an overtopping wave wall to the north of the quay face, extending into the harbour and enclosing an area of the harbour of 65,750 square metres, commencing at a point SOP-A1 at 225555, 382865 extending from that point in a straight line to a point SOP-A2 at 225578, 382886 extending from that point in a straight line to a point SOP-A3 at 225672, 383247 extending from that point in a straight line to a point SOP-A6 at 225569, 383258 and there terminating the location of which is shown on sheet 2 and the section of which is shown on sheet 4;
- (b) Work No. 1A – A wave wall commencing at a point SOP-A3 at 225672, 383247 extending from that point in a straight line to a point SOP-A4 at 225745, 383280 extending from that point in a straight line to a point at SOP-A5 at 225732, 383307 and there terminating the location of which is shown on sheet 2 and the section of which is shown on sheet 4;
- (c) Work No. 2 – An area of rock armour revetment adjacent to, and to the north of, Works Nos. 1 and 1A the situation of which is shown on sheet 2 and the section of which is shown on sheet 4;
- (d) Work No. 3 – A wall including a quay face 280 metres in length forming a berth for vessels, extending into the harbour and enclosing an area of the harbour of 24,250 square metres, commencing at a point at SOP-B1 at 224982, 382762 extending from that point in a straight line to a point at SOP-B2 at 225239, 382887 and there terminating the location of which is shown on sheet 3 and the section of which is shown on sheet 5;
- (e) Work No. 4 – A single storey warehouse building the location of which is shown on sheet 2 and the plan and elevation of which are shown on sheet 6;
- (f) Work No. 5 – A single storey warehouse building the location of which is shown on sheet 2 and the plan and elevation of which are shown on sheet 7.

(2) Subject to the provisions of this Order, the Company may, for the purposes of the works authorised by paragraph (1), demolish and remove any structures or apparatus lying within the limits of deviation or the construction limits and enclose and reclaim so much of the bed of the harbour and of the foreshore as lies within the limits of deviation and may hold and use the same as part of the undertaking of the Company; and so much of the bed of the harbour and of the foreshore as may

be reclaimed is to be deemed operational land within the meaning and for the purposes of the Town and Country Planning Act 1990(1).

(3) Without affecting the general power conferred under paragraph (2), the Company may, in connection with the construction of the works, demolish and remove so much of the existing navigational structures which are situated within the construction limits as may be considered necessary or expedient.

(4) Subject to the provisions of this Order, the Company may, within the limits of deviation, reconstruct, extend, enlarge, replace or relay the works authorised by paragraph (1) and may maintain the same as reconstructed, extended, enlarged, replaced or relaid.

Power to deviate

4. Subject to the provisions of this Order, in carrying out the works authorised by article 3 (power to construct works) the Company may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation and may deviate vertically from the levels of the works as shown on the deposited sections and elevations to any extent not exceeding 1 metres upwards and to such extent downwards as may be found necessary or convenient.

Subsidiary works

5.—(1) The Company may from time to time within the limits of deviation provide and operate such harbour facilities, together with works ancillary to those facilities, as may be necessary or convenient for the construction of the works or the operation of the undertaking, and for this purpose the Company may construct and maintain roads, buildings, sheds, offices, workshops, depots, walls, foundations, fences, gates, tanks, pumps, conduits, pipes, drains, wires, mains, cables, electrical substations, signals, conveyors, cranes, lifts, hoists, lighting columns, weighbridges, stairs, ladders, stages, platforms, fendering, dolphins, mooring posts, pontoons, catwalks, equipment, signage, machinery and appliances and such other works and conveniences (including levelling of surfaces) as may be necessary or expedient.

(2) Without affecting the general power conferred under paragraph (1) the Company may within the limits of deviation and the construction limits carry out and maintain 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 works including—

- (a) works to close the existing culvert beneath the service road,
- (b) works for the accommodation or convenience of vessels or for the loading and unloading of goods and the embarking and loading of passengers, and
- (c) works to alter the position of apparatus, including mains, sewers, drains, pipes, conduits, cables, electrical substations, electrical lines and telecommunications apparatus.

Power to dredge

6.—(1) Without affecting any other powers which may be exercisable by the Company within the harbour the Company may, for the purposes of constructing and maintaining the works and of affording access to the works by vessels from time to time deepen, dredge, scour, blast rock, cleanse, alter and improve the bed, shores and channels of the sea as lie within the limits of the harbour and may use, appropriate or dispose of the materials (other than wreck within the meaning of section 255 (interpretation) of the Merchant Shipping Act 1995(2)), from time to time dredged by them.

(1) 1990 c. 8.

(2) 1995 c. 21.

(2) Such materials must not be laid down or deposited 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 Natural Resources Wales.

Obstruction of works

7. Any person who—

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

commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale and in addition is liable to repay to the Company as a debt any expenses incurred by it in making good any damage resulting from such obstruction, moving or removal.

Survey of tidal works

8. The Welsh Ministers may at any time if they deem it expedient order a survey and examination of a tidal work or a site upon which it is proposed to construct the work and any expense incurred by them in such a survey and examination is recoverable from the Company.

Provision against danger to navigation

9.—(1) In the case of injury to, or destruction or decay of, a tidal work or any part thereof, the Company must as soon as practicable notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House from time to time direct.

(2) If the Company fails to comply in any respect with the provisions of this article, the Company commits an offence and is 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 Welsh Ministers may by notice in writing require the Company at its own expense either to repair and restore the work or any part of it, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Welsh Ministers think proper.

(2) Where a work authorised by this Order and 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 Welsh Ministers may include that part of the work or any portion of it, 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 Company it has failed to comply with the requirements of the notice, the Welsh Ministers may execute the works specified in the notice and any expenditure incurred by them in so doing is recoverable from the Company.

Lights on tidal works during construction

11.—(1) During the whole time of the demolition, construction, renewal, reconstruction or alteration of a tidal work the Company must at the outer extremity thereof every night from sunset to sunrise exhibit such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House from time to time direct.

(2) If the Company fails to comply in any respect with a direction given under this article it commits an offence and is liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Permanent lights on tidal works

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

(2) If the Company fails to comply in any respect with a direction given under this article it commits an offence and is liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Period for completion of works

13.—(1) Subject to paragraph (2), if the works are not substantially completed within ten years from the coming into force of this Order or such extended time as the Welsh Ministers may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for making and maintaining the works cease except as to so much of those works as is then substantially commenced.

(2) Nothing in paragraph (1) applies to any works carried out under paragraph (4) of article 3 (power to construct works) or article 5 (subsidiary works).

Works to be deemed part of harbour

14. The works are to be deemed for all purposes to be part of the harbour and all the enactments relating to the harbour, and the byelaws, directions, rules and regulations of the Company for the time being in force relating to the harbour, (so far as they are applicable and are not inconsistent with or varied by this Order) apply to the works and may be enforced by the Company accordingly.

Works to be within area of Isle of Anglesey Council

15. To the extent that the works lie outwith the area of the Isle of Anglesey Council, they are annexed to and incorporated within that area.