STATUTORY INSTRUMENTS

2015 No. 1390

HARBOURS, DOCKS, PIERS AND FERRIES

The Poole Harbour (Works) Revision Order 2015

Made - - - -	*12th June 2015*
Laid before Parliament	*19th June 2015*
Coming into force - -	*10th July 2015*

The Poole Harbour Commissioners have applied in accordance with section 14(2)(a) of the Harbours Act 1964(**1**) ("the Act") for a harbour revision order under section 14.

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an Order(**2**) under section 42A of the Act (**3**) delegated the functions of the appropriate Minister under section 14(**4**) to the Marine Management Organisation(**5**).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) and in exercise of the powers conferred by section 14(1) and (3), makes the following Order.

PART 1

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Poole Harbour (Works) Revision Order 2015 and shall come into force on 10th July 2015.

(**1**) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and14 and section 40 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part 1), by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12 and by the Criminal Justice Act 1982 (c.48), sections 37 and 46. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56), sections 18 and 40 and Schedule 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).

(**2**) See S.I. 2010/674.

(**3**) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(1).

(**4**) For the definition of "the Minister" (mentioned in section 14(7)), see section 57(1).

(**5**) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c.23), section 1.

(2) The Poole Harbour Act 1914(**6**), the Poole Harbour Revision Order 1999(**7**), the Poole Harbour Revision Order 2001(**8**), the 2012 Order and this Order may be cited together as the Poole Harbour Act and Orders 1914 to 2015.

Interpretation

2.—(1) In this Order—

"the 2012 Order" means the Poole Harbour Revision Order 2012(**9**);

"the authorised works" means the works authorised by this Order, or any part of such works;

"Chart Datum" is 1.4 metres below Ordnance Datum and "Ordnance Datum" means the datum line or mean sea level to which all heights are referred in the Ordnance Survey;

"the Commissioners" means the Poole Harbour Commissioners;

"the deposited plans" and "the deposited sections" mean respectively the plans and sections (numbered sheets HRO1 to HRO5) prepared in duplicate, signed on behalf of the Marine Management Organisation and marked "The Poole Harbour (Works) Revision Order 2015 plans and sections" of which one copy has been deposited at the offices of the Marine Management Organisation and the other at the principal office of the Commissioners at 20 New Quay Road, Hamworthy, Poole, Dorset BH15 4AF;

"the harbour" has the same meaning as in the 2012 Order;

"harbour premises" means the quays, piers, landing places and all other works, land and buildings for the time being vested in, or occupied or administered by, the Commissioners as part of their harbour undertaking;

"harbour undertaking" means the undertaking of the Commissioners authorised by the Poole Harbour Act and Orders 1914 to 2015;

"land" includes land covered by water, any interest in land or rights in, to or over land;

"level of high water" means the level of mean high-water springs;

"level of low water" means the level of mean low-water springs;

"limits of deviation" means the limits of deviation shown on the deposited plans; and

"Trinity House" means the Corporation of Trinity House of Deptford Strond.

(2) All heights, widths, depths and other measurements (other than the limits of deviation) shall be construed as if the words "or thereabouts" were inserted after each such height, width, depth or other measurement.

(3) References in the Poole Harbour Act and Orders 1914 to 2015 to the harbour undertaking of the Commissioners and to the harbour premises shall be construed for all purposes as including references to any works carried on and any land reclaimed by the Commissioners or any of its subsidiaries under or by virtue of this Order.

(**6**) 1914 c.clv.
(**7**) S.I. 1999/403.
(**8**) S.I. 2001/2820.
(**9**) S.I. 2012/1777.

PART 2

WORKS

Power to construct, etc., works

3.—(1) Subject to the provisions of this Order, the Commissioners may (within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections) construct and maintain the whole or part of the following works on and in the bed and foreshore of the harbour, together with all necessary works and conveniences connected with or incidental to them—

Work No. 1

The construction of vertical steel piled quay walls and concrete capping, with heavy duty port surfacing to a height of 4.5 metres above Chart Datum on or within the area defined by straight lines drawn as follows:

(a) a line between point D7 (North 50 42.441, West 001 59.349) and point D6 (North 50 42.434, West 001 59.302);

(b) a line between point D6 (North 50 42.434, West 001 59.302W) and point D5 (North 50 42.434, West 001 59.142);

(c) a line between point D5 (North 50 42.434, West 001 59.142) and point D9 (North 50 42.457, West 001 59.147); and

(d) a line between point D9 (North 50 42.457, West 001 59.147) and point D8 (North 50 42.457, West 001 59.302).

Work No. 2

Reclamation of so much of the foreshore and bed of the sea by means of Work No. 1 as lies within the limits of deviation as is required for, or in connection with, the authorised works.

Work No. 3

The construction of vertical steel sheet piled quay walls and concrete capping, with heavy duty port surfacing to a height of 4.5 metres above Chart Datum on or within the area defined by straight lines drawn as follows:

(a) a line between point D9 (North 50 42.457, West 001 59.147) and point D4 (North 50 42.503,West 001 59.157);

(b) a line between point D4 (North 50 42.503, West 001 59.157) and point D3 (North 50 42.500, West 001 59.180);

(c) a line between point D3 (North 50 42.500, West 001 59.180) and point D2 (North 50 42.468, West 001 59.214);

(d) a line between point D2 (North 50 42.468, West 001 59.214) and point D1 (North 50 42.467, West 001 59.309); and

(e) a line between point D1 (North 50 42.467, West 001 59.309) and point D8 (North 50 42.457, West 001 59.302).

Work No. 4

Reclamation of so much of the foreshore and bed of the sea by means of Work No. 3 as lies within the limits of deviation as is required for, or in connection with, the authorised works.

Work No. 5

The construction of vertical sheet piled quay walls and concrete capping, with heavy duty port surfacing to a height of 4 metres above Chart Datum on or within the area defined by straight lines drawn as follows:

(a) a line between point A1 (North 50 42.687, West 001 59.290) and point B1 (North 50 42.670, West 001 59.225);

(b) a line between point B1 (North 50 42.670, West 001 59.225) and point C1 (North 50 42.628, West 001 59.186);

(c) a line between point C1 (North 50 42.628, West 001 59.186) and point C2 (North 50 42.524, West 001 59.162);

(d) a line between point C2 (North 50 42.524, West 001 59.162) and point C3 (North 50 42.520, West 001 59.203); and

(e) a line between point C3 (North 50 42.520, West 001 59.203) and point C4 (North 50 42.540, West 001 59.204).

Work No. 6

Reclamation of so much of the foreshore and bed of the sea by means of Work No. 5 as lies within the limits of deviation as is required for, or in connection with, the authorised works.

Work No. 7

The construction of vertical steel sheet piled quay walls and concrete capping, with heavy duty port surfacing to a height of 4 metres above Chart Datum on or within the area defined by a straight line drawn between point C2 (North 50 42.524, West 001 59.162) and point D4 (North 50 42.503, West 001 59.157).

Work No. 8

Reclamation of so much of the foreshore and bed of the sea by means of Work No. 7 as lies within the Port of Poole Marina and the limits of deviation as is required for, or in connection with, the authorised works.

Work No. 9

The construction of vertical steel sheet piled quay walls and concrete capping, with heavy duty port surfacing to a height of 4.5 metres above Chart Datum and tied back to existing port infrastructure on or within the area defined by a straight line drawn between point D6 (North 50 42.434, West 001 59.302) and point E1 (North 50 42.434, West 001 59.601).

Work No. 10

Reclamation of so much of the foreshore and bed of the sea by means of Work No. 9 as lies within the Ro-Ro berths 2 and 3 and the limits of deviation as is required for, or in connection with, the authorised works.

(2) The Commissioners may construct and maintain the authorised works in such stages and along such lines within the areas described and within the limits of deviation, and employing such materials, as the Commissioners may from time to time deem appropriate.

(3) The Commissioners may from time to time within the limits of deviation alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently the authorised works and may maintain the same as altered, enlarged, replaced, relayed, extended or reconstructed.

(4) The authorised works and the bed, banks and shores of the harbour on which the authorised works are constructed and any land reclaimed shall for all purposes form part of the harbour undertaking of the Commissioners and of the harbour premises and all enactments conferring rights, powers, privileges or immunities or imposing duties, obligations or liabilities upon the Commissioners or its officers, and all byelaws for the time being in force in relation to the harbour

undertaking or the harbour premises, shall so far as relevant, apply to the authorised works and such bed, banks, shores and land and may be enforced by the Commissioners accordingly.

(5) In this article—

(a) a reference to a work identified by number shall be construed as a reference to the work of that number authorised by this Order; and

(b) map reference points specified shall be construed as references to WGS84 coordinates.

(6) In paragraph (5) "WGS84" means the World Geodetic System, revised in 1984 and further revised in 2004.

Power to deviate

4. Subject to the provisions of this Order, in constructing the authorised works the Commissioners may—

(a) deviate laterally from the lines or situations shown on the deposited plans to the extent of the limits of deviation; and

(b) deviate vertically from the levels shown on the deposited sections to any extent not exceeding 1.5 metres upwards or to any extent downwards,

as may be found necessary or convenient.

Subsidiary works

5.—(1) Subject to the provision of this Order, the Commissioners may from time to time, within the limits of deviation, erect, construct, lay down, place, remove, replace, work or use and maintain whether temporarily or permanently all such works, conveniences, appliances and apparatus and take such measures as they from time to time consider fit for the purposes of or in connection with or incidental to the construction, maintenance and use of the authorised works, including, without prejudice to the generality of the foregoing, navigation marks and lights.

(2) In the course of erecting, constructing, laying down, placing, removing and replacing the authorised works the Commissioners may carry out construction activity, including the temporary placing of plant and equipment, within the waters adjoining the limits of deviation.

Period for completion of works

6.—(1) If all the works authorised by article 3 are not completed within 50 years from the coming into force of this Order or such extended time as the Secretary of State may, on application of the Commissioners, allow, then on the expiry of that period, or such extended time (as the case may be), the powers conferred by article 3 for constructing and maintaining such works shall cease to have effect except as to so much of them as is then substantially commenced.

(2) Nothing in paragraph (1) shall affect the carrying out of works under article 5.

Works to be within the Borough of Poole

7.—(1) The area of the works authorised by articles 3 and 5 shall be annexed to and incorporated within the Borough of Poole (to the extent that it is not already within the Borough of Poole) when all those works are completed or substantially completed with the exception (as the case may be) of works for which the powers conferred by article 3 have ceased to have effect jn accordance with article 6(1).