

201[] No.[]

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Swansea (Tidal Lagoon) Harbour Revision Order
201[]

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - ***

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Tidal Lagoon (Swansea Bay) plc and Associated British Ports have applied in accordance with section 14(2)(a) of the Harbours Act 1964(a) (“the Act”) for a harbour revision order under section 14.

Tidal Lagoon (Swansea Bay) plc is a person having an interest in the Port of Swansea. Associated British Ports is the relevant harbour authority for the Port of Swansea.

The Secretary of State, as the appropriate Minister for the purposes of section 14, has by an order(b) made under section 42A of the Act(c) delegated the functions of the appropriate Minister under section 14(d) of the Act to the Marine Management Organisation(e).

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

PART 1 PRELIMINARY

Citation and commencement

1. This Order may be cited as The Port of Swansea (Tidal Lagoon) Harbour Revision Order 201[] and shall come into force on [].

Interpretation

2.—(1) In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(f);

“AB Ports” means Associated British Ports;

“accretion date” means the date when the works authorised by the Tidal Generating Station Order have been completed or, if earlier, the date when the benefits and rights granted by this Order cease to have effect;

“county borough boundary” means the boundary between the administrative areas of the City and County of Swansea Council and the Neath Port Talbot County Borough Council;

“CCSC” means the City and County of Swansea Council;

“Tidal Generating Station Order” means the Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015 No. 1386), which came into force on 30th June 2015; and

“undertaker” has the meaning given in article 6 (benefit of Order) of the Tidal Generating Station Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space over its surface.

(3) All distances, directions and lengths stated in the description of powers or lands are approximate.

(a) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 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 I), by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, article 2(1) 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 Schedules 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).

(b) S.I. 2010/674.

(c) 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).

(d) For the definition of “the Minister” (mentioned in section 16) see section 57(1).

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

(f) 1990 c. 8.

(4) References to latitude points and longitude coordinates are to World Geodetic System 84 coordinates.

(5) The Interpretation Act 1978(a) shall apply to this Order.

PART 2

ALTERATION OF JURISDICTION

Harbour jurisdiction

3.—(1) Following the completion of construction of Works Nos. 1a, 1b, 2a and 2c authorised by the Tidal Generating Station Order in accordance with the scheme approved by AB Ports under article 23 (safety of navigation) of that Order —

- (a) such works;
- (b) the land upon which those works have been carried out including the tidal lagoon enclosed within those works; and
- (c) the area of sea and seabed bounded by the works and an imaginary line commencing at latitude 51°35.44'N and longitude 03°56.06'W, proceeding south westerly to latitude 51°34.92'N and longitude 03°56.32'W, proceeding south easterly to latitude 51°34.39'N and longitude 03°55.98'W, proceeding north easterly to latitude 51°34.81'N and longitude 03°54.27'W, and proceeding northerly to terminate at latitude 51°34.91'N and longitude 03°54.21'W,

as far as such works, the above land and the above area of sea and seabed lie within the Port of Swansea, will cease to be part of—

- (d) the area of jurisdiction of AB Ports as harbour authority for the Port of Swansea; and
- (e) the Port of Swansea for the purpose of the Port Security Regulations 2009,

and any enactments conferring powers or duties on AB Ports shall cease to apply to those areas excluded from the jurisdiction of a harbour authority under this article.

(2) Where the jurisdiction of a harbour authority abuts any tidal work the tidal waters for the time being abutting that tidal work are comprised within the jurisdiction of that harbour authority.

(3) Where any land within the jurisdiction of AB Ports as harbour authority is subject to a lease to the undertaker, the jurisdiction of AB Ports is suspended for the period from the commencement of the authorised development until the determination of that lease.

(4) Nothing contained in this Order authorises the obstruction or the closure to navigation of the River Tawe.

Planning, etc. jurisdiction

4.—(1) During the period beginning with the date when this Order comes into effect and ending on the accretion date the area west of the county borough boundary within the harbour Order limits and seaward of mean low water for the purposes of the Control of Pollution Act 1974(b), the Environmental Protection Act 1990(c) and the 1990 Act is annexed to and incorporated within the administrative area of the CCSC but shall not accrete or be so annexed or incorporated for any other purpose.

(2) On the accretion date the area of the tidal lagoon created by and the works themselves authorised by the Tidal Generating Station Order in so far as completed or substantially commenced west of an imaginary line extending the county borough boundary seawards from mean low water is annexed to and incorporated within the administrative area of the CCSC for the

(a) 1978 c. 30.
(b) 1974 c. 40.
(c) 1990 c. 43.

purposes of the 1990 Act but shall not accrete or be so annexed or incorporated for any other purpose.

Signed by the authority of the Secretary of State for Transport

201[]

Head of Marine Consents
Marine Management Organisation

DRAFT

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the removal of jurisdiction exercised by AB Ports over the area of the Port of Swansea where the tidal lagoon works authorised by the Tidal Generating Station Order will be situated.

The Order extends the jurisdiction of CCSC to discharge requirements under the Tidal Generating Station Order.

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