

ELIZABETH II**1988 CHAPTER xiv**

An Act to empower the Felixstowe Dock and Railway Company to construct works; to extend and alter the limits of the dock and to provide that the Dock Workers Employment Scheme shall not relate to any part thereof; to extend the area of jurisdiction of the Harwich Harbour Board; to enable the Company to regulate motor vehicle traffic on dock roads and on other places within those limits; to confer further powers on the Company; and for other purposes. [19th May 1988]

WHEREAS—

(1) The Felixstowe Dock and Railway Company (hereinafter referred to as “the Company”) were incorporated by the Felixstowe Railway and Pier Act 1875 under the name of the Felixstowe Railway and Pier Company and by that Act were authorised to construct a railway and pier: 1875 c. cxlv.

(2) By the Felixstowe Railway and Dock Act 1879, the Company were authorised to construct a dock and railway: 1879 c. clxxvii.

(3) By the Great Eastern and Felixstowe Railways Arrangement Act 1887, the railway and pier authorised by the said Act of 1875 were transferred to the Great Eastern Railway Company and the name of the Company was changed to that which they now bear: 1887 c. lxvii.

(4) The Company are now carrying on the undertaking pursuant to the powers conferred on the Company by the Felixstowe Dock and Railways Acts 1879 to 1981:

(5) The existing facilities of the undertaking are inadequate to serve the continually increasing use made of the dock and it is, accordingly, expedient to construct the work authorised by this Act:

(6) It is expedient that the Company should be authorised, for the purpose of the said work, to reclaim and acquire part of the bed of the sea and of the river Orwell and foreshore adjacent to the dock as in this Act provided:

(7) It is expedient that the limits (as previously defined) of the dock should be further extended and redefined as in this Act provided:

(8) It is expedient that the Dock Workers Employment Scheme 1967 should cease to relate to any part of the limits of the dock being the limits as previously defined and as further extended and redefined as aforesaid:

(9) It is expedient that the area of jurisdiction of the Harwich Harbour Board should be extended as in this Act provided:

1972 c. 20
1984 c. 27.

(10) It is expedient that the Company be enabled to regulate motor vehicle traffic on dock roads and on other places within the dock limits and, for that purpose, to apply within those limits certain provisions of the Road Traffic Act 1972 and of the Road Traffic Regulation Act 1984:

(11) It is expedient that the other powers contained in this Act should be conferred on the Company:

(12) The purposes of this Act cannot be effected without the authority of Parliament:

(13) Plans and sections showing the lines and levels of the work by this Act authorised and the lands which may be used for the purposes of that work, together with a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the chief executive of the Suffolk County Council and such plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) This Act may be cited as the Felixstowe Dock and Railway Act 1988. Short and collective titles.

(2) The Felixstowe Dock and Railway Acts 1879 to 1981 and this Act may be cited together as the Felixstowe Dock and Railways Acts 1879 to 1988.

- 2.—(1) In this Act, unless the context otherwise requires— Interpretation.
- “Act of 1956” means the Felixstowe Dock and Railway Act 1956; 1956 c. lxxxviii.
- “Act of 1963” means the Felixstowe Dock and Railway Act 1963; 1963 c. xxxvi.
- “Act of 1968” means the Felixstowe Dock and Railway Act 1968; 1968 c. xix.
- “Act of 1979” means the Felixstowe Dock and Railway Act 1979; 1979 c. xvi.
- “Act of 1981” means the Felixstowe Dock and Railway Act 1981; 1981 c. vi.
- “Company” means the Felixstowe Dock and Railway Company;
- “dock” means the dock constructed by the Company in pursuance of the powers conferred on them by the Felixstowe Dock and Railway Acts 1879 to 1981 and includes the open cut or channel also constructed under those powers, all other works, land, buildings, ancillary works, plant, property and conveniences connected therewith, as from time to time existing;
- “limits of deviation” means the limits of deviation shown on the deposited plans;
- “limits of the dock” means the limits referred to in section 3 (1) of this Act;
- “signed plan” means the plan signed in quadruplicate by Mr. Malcolm Thornton, M.P., the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, one copy of which has been deposited at each of the following offices:—
- (a) the office of the Clerk of the Parliaments, House of Lords;
 - (b) the Private Bill Office, House of Commons;
 - (c) the office of the clerk and chief executive officer of the Suffolk County Council;
 - (d) the registered office of the Company;

“tidal work” means so much of any work authorised by this Act (including any work executed for the purposes of, in connection with or subsidiary to a work so authorised) as is on, under or over tidal waters or tidal lands below the level of high water;

“work” means the work authorised by section 6 of this Act and any works for or in connection with or ancillary to that work; and includes the same as reconstructed, renewed, altered, replaced or relaid, or any land reclaimed, under any of the provisions of that section;

“undertaking” means the undertaking of the Company as from time to time existing.

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

(3) Map reference points specified in this Act shall be construed as references to Ordnance Survey National Grid reference points.

Limits of dock.

3.—(1) On the passing of this Act, the limits of the dock shall be the area described in the Schedule to this Act and, notwithstanding anything contained in the Felixstowe Dock and Railway Acts 1879 to 1981, references in any of those Acts or in any byelaws, orders or regulations made under those Acts to the limits of the dock shall be construed as references to the limits so described.

(2) That part of the limits of the dock which were, prior to the passing of this Act, within the limits of jurisdiction of the Ipswich Port Authority shall, on that passing, cease to be within the limits of jurisdiction of that authority and, accordingly, the Ipswich Dock Acts and Orders 1852 to 1979 shall cease to apply to that part which shall be freed and discharged from any rights, obligations and restrictions which may have attached thereto by virtue of those Acts and Orders:

Provided that the Company shall not levy any charge upon any vessel which navigates through that part solely to enter or leave the limits of jurisdiction of that authority.

(3) Section 8 (Limits of dock and repeal) of and Schedule 1 to the Act of 1981 are hereby repealed.

Dock Workers Employment Scheme not to relate to any part of limits of dock.
S.I.1967/1252.

4. The Dock Workers Employment Scheme 1967 (as so called in the Dock Workers (Regulation of Employment) (Amendment) Order 1967), to the extent that it may, immediately before the passing of this Act, have related to any part of the limits of the dock, shall on that passing cease so to relate.

5.—(1) On the passing of this Act, the area specified in subsection (2) below shall cease to be within the limits of jurisdiction of the Ipswich Port Authority and shall be added to the area of jurisdiction of the Harwich Harbour Board; and

Extension of area of jurisdiction of Harwich Harbour Board.

(a) all enactments conferring rights, powers, privileges and immunities, or imposing duties, obligations and liabilities upon the Ipswich Port Authority, and all byelaws, regulations and directions made or given by the authority shall cease to relate to, or have effect in, that area; and

(b) all enactments conferring rights, powers, privileges and immunities, or imposing duties, obligations and liabilities upon the Harwich Harbour Board, and all byelaws, regulations and directions made or given by the board, which relate to or are in force in Harwich Harbour (as described in the Harwich Harbour Act 1974) shall relate to, and have effect in, that area.

1974 c. i.

(2) The area mentioned in subsection (1) above is the area of the river Orwell bounded by the seaward limit of jurisdiction of the Ipswich Port Authority as existing prior to the passing of this Act and an imaginary line drawn across the river between a point at TM25573520 and a point at TM24943498, and the level of high water on both shores of the river Orwell between that seaward limit and that imaginary line, including all bays, creeks, pools, inlets and watercourses so far as the tide flows.

6.—(1) Subject to the provisions of this Act, the Company may, in the lines and situations and upon the lands delineated on the deposited plans and within the limits of deviation shown thereon and according to the levels shown on the deposited sections, make and maintain the work hereinafter described with all necessary works and conveniences connected therewith:—

Power to make work.

A quay, including berths for vessels, enclosing an area of 95 hectares extending into the estuary of the river Orwell from the north-east bank of the estuary and being an extension in a north-westerly direction of Work No. 1 and Work No. 2 as so described and authorised by the Act of 1979, commencing at the north-western limits of deviation of those works and terminating on a straight line shown on the deposited plans and described thereon as "Limits of deviation and line of termination of work".

(2) The Company may within the limits of deviation, from time to time reconstruct, renew, alter, replace or relay the work and may maintain the same as reconstructed, renewed, altered, replaced or relaid.

(3) The Company may, by means of the work authorised by subsection (1) above and subject to the consent in writing of the Secretary of State for the Environment, enclose and reclaim so much of the bed of the sea and of the river Orwell and of the foreshore adjacent to the dock as lies within the limits of deviation and may hold and use the same as part of the undertaking.

Consent of Secretary of State required for certain works.

7.—(1) The Company shall not exercise the powers conferred by section 6 of this Act without first obtaining the consent in writing of the Secretary of State in any case where—

- (a) the works include works of land reclaimed; and
- (b) the area of land which is to be reclaimed is to be used for purposes which require close and convenient access to a berth which is to be constructed within the area of jurisdiction of the Company.

(2) The Secretary of State shall give his consent under this section in any case where he is reasonably satisfied that—

- (a) further development of the land which is to be reclaimed will be commenced not later than one year after the date on which the works of reclamation have been substantially completed;
- (b) no reasonable alternative site for that further development is available on other land within the area of jurisdiction of the Company; and
- (c) the area of land to be reclaimed is no greater than that which is reasonably required to accommodate that further development.

(3) Where an application has been received by the Secretary of State from the Company for his consent under this section, the Secretary of State shall, within the period of eight weeks following that receipt, give his consent or notify the Company of his decision to withhold it.

(4) A consent given under this section shall come into force as soon as it is given and shall remain in force for a period of one year or for such longer period as may be specified by the Secretary of State when he gives his consent and the duration of a consent so given may, at any time before its expiry, be extended for such further period or periods as the Secretary of State may specify by written notice given to the Company.

Restriction on deposit of material.

8.—(1) The Company shall not on any land within the limits of deviation deposit any material of any description—

- (a) more than three years before the start of construction of the quay authorised under section 6 of this Act;
- (b) unless such deposit is reasonably required for the purposes of carrying out the work or any work authorised by the Act of 1979;

(c) unless at least 3 months prior to the commencement of the deposit of material written notice of an intended start of construction has been given to Suffolk County Council and Suffolk Coastal District Council.

(2) In the event that the Company intend to construct the quay in stages, the power to deposit material shall apply only in relation to such length of quay as has been notified to Suffolk County Council and Suffolk Coastal District Council as aforesaid.

(3) The Company shall not give notice to the said councils of an intended start of construction of the quay or part or parts thereof which the Company does not foresee as capable of being completed in one continuous operation taking economic as well as engineering factors into account.

(4) Nothing in this section shall apply to a deposit of material where the purpose of that deposit is to—

- (a) produce a smooth shoreline;
- (b) minimise any interference with the ebb and flow of the waters adjacent to any of the Company's berths; or
- (c) provide a beach of suitable dimensions to round off any sharp angle at the north-easterly point at which—
 - (i) any work authorised by the Act of 1979; or
 - (ii) any part of the work;
 terminates for the time being.

9.—(1) In this section and the next following:—

“diversionary bridleway” means the bridleway lying between any point on the substitute bridleway and the temporary bridleway;

“diversionary footpath” means the footpath lying between any point on the temporary bridleway and the existing footpath and forming a continuation of the diversionary bridleway;

“existing footpath” means the footpath shown between points A and B;

“points” means the points shown on the signed plan or such other points as may be agreed by the Company with the Suffolk County Council and Trinity College;

“substitute bridleway” means the bridleway shown between points C and D and D and E;

“substitute footpath” means the footpath shown between points B and C;

“temporary bridleway” means the bridleway shown between points A1 and C;

“Trinity College” means Trinity College, Cambridge.

Footpaths and
bridleways.

1980 c. 66.

(2) The temporary bridleway shall be created at the commencement of the work and shall be a highway being a bridleway as if a reference in section 36 (1) (d) of the Highways Act 1980 included a reference to creation under this Act.

(3) The Company may in the parish of Trimley St. Mary in the county of Suffolk—

- (a) create the diversionary bridleway and the diversionary footpath;
- (b) stop up and discontinue the existing footpath and if so shall provide the substitute footpath and the substitute bridleway;
- (c) stop up and discontinue the temporary bridleway and if so shall create the diversionary bridleway;
- (d) stop up and cause to be discontinued so much of the footpath in that parish and that county as lies between the points marked "E" and "F", "F" and "G" and "G" and "H" shown on the deposited plans; and
- (e) stop up and cause to be discontinued any footpath in that parish and county leading in a southerly direction to any part of the foreshore being a footpath commencing at any part of so much of—
 - (i) the road used as a public path as lies between the points marked "E" and "H"; or
 - (ii) the footpath as lies between the points marked "F" and "G";as shown on the deposited plans.

(4) Notwithstanding anything contained in subsection (1) above but subject to section 10 of this Act the existing footpath and the temporary bridleway shall not be stopped up until the substitute bridleway and the substitute footpath are completed to the satisfaction of the highway authority concerned and are open for public use, or in the case of any difference between the Company and the highway authority as to whether the substitute bridleway and the substitute footpath are so completed, until the matter in dispute has been referred to and determined by arbitration.

(5) As from the date of completion to the satisfaction of the highway authority concerned of the substitute bridleway or substitute footpath or, as from the determination of any difference in that respect between the Company and the highway authority (as the case may be), all rights of way over and along the position of the temporary bridleway or existing footpath so stopped up shall be extinguished and the owners of the subsoil thereof may appropriate and use so much of the site and soil thereof as is respectively owned by them.

(6) The substitute footpath provided under the powers of this section shall be repairable by the highway or other authority by whom the existing footpath was maintainable before its stopping up and discontinuance.

(7) The substitute bridleway provided under the powers of this section shall from the commencement of this Act be a highway being a bridleway as if reference in section 36 (1) (d) of the Highways Act 1980 included a reference to creation 1980 c. 66. under this Act.

10.—(1) The Company during and for the purpose of the execution of work and for the maintenance of suitable rights of way during that execution may temporarily stop up and divert and interfere with the existing footpath and temporary bridleway. Temporary stoppage of footpath and bridleway.

(2) The power contained in subsection (1) above shall not be exercised unless sufficient part of the substitute bridleway has been completed under section 9 of this Act and the diversionary bridleway and the diversionary footpath have been created under that section to the satisfaction of the highway authority concerned and are open for public use.

(3) In the case of any difference between the Company and the highway authority as to whether the diversionary bridleway and diversionary footpath are so completed, the Company or the highway authority may give notice to the other that the matter be referred to and settled by arbitration.

11. The following provisions of the Act of 1956, the Act of 1963, the Act of 1968, the Act of 1979 and the Act of 1981 shall, so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act, be incorporated with and form part of this Act and shall extend and apply to and for the purposes of this Act as if those provisions, with any necessary modifications, were re-enacted in this Act:— Incorporation of provisions of Acts of 1956, 1963, 1968, 1979 and 1981.

The Act of 1956—

- Section 10 (Power to deviate);
- Section 11 (New works to form part of undertaking);
- Section 19 (Power to dredge);
- Section 21 (Company to dredge Harwich Harbour if silt accumulated);
- Section 24 (Notice of use of explosives);
- Section 39 (Correction of errors in deposited plans and book of reference):

The Act of 1963—

- Section 30 (For protection of East Suffolk and Norfolk River Board and Felixstowe Internal Drainage Board):

The Act of 1968—

- Section 9 (Subsidiary works (except subsection (7)));
- Section 10 (Temporary stoppage of highways);
- Section 11 (Agreements as to construction of new works and transfer of undertaking);
- Section 12 (Tidal works not to be executed without approval of Board of Trade);
- Section 13 (Provision against danger to navigation);
- Section 14 (Abatement of works abandoned or decayed);
- Section 15 (Survey of tidal works);
- Section 16 (Permanent lights on tidal works);
- Section 17 (Lights on tidal works during construction);
- Subsection (1) of section 39 (Crown rights);
- Section 40 (For protection of Eastern Electricity Board);
- Section 41 (For protection of Trinity College);
- Section 42 (Saving for Trinity House):

The Act of 1979—

- Section 6 (For protection of conservancy and navigation in Harwich Harbour);
- Section 8 (Works to be within petty sessional division of Felixstowe):

The Act of 1981—

- Section 11 (Arbitration);

and in particular (but without prejudice to the generality of the foregoing provisions of this section) for the purposes of such extension and application—

- (a) references in the said provisions of the Act of 1956 to the new works and references in the said provisions of the Act of 1968 to the works authorised by section 8 (Power to make works) of that Act or, as the case may be, the works within the meaning given by that Act shall be construed respectively as references to the work;
- (b) references in the said provisions of the Act of 1956 or the Act of 1968 to the deposited plans, the deposited sections, the deposited book of reference or the limits of deviation (as defined in the Act of 1956, or as the case may be, the Act of 1968) shall be construed as references to the deposited plans, the deposited sections, the deposited book of reference and the limits of deviation;

- (c) section 19 of the Act of 1956 shall be construed and have effect as if, for the words "as is", there were substituted the words "and river Orwell as are";
- (d) the reference in section 24 of the Act of 1956 to the Felixstowe Urban District Council shall be construed as a reference to the Suffolk Coastal District Council;
- (e) section 24 of the Act of 1956 shall have effect as if after "Council" there were inserted "and the Regional Officer responsible for the County of Suffolk of the Nature Conservancy Council";
- (f) subsection (3) of section 39 of the Act of 1956 shall have effect as if, for the words from the beginning to "Suffolk" there were substituted "Any such certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office, House of Commons and with the chief executive of the Suffolk County Council and with the chief executive of Suffolk Coastal District Council";
- (g) section 30 of the Act of 1963 shall have effect as if—
- (i) in sub-paragraph (i) of paragraph (1) thereof the expression "the works" meant the work;
 - (ii) in sub-paragraph (ii) of the said paragraph (1) the expression "existing works" meant the works authorised by the Felixstowe Dock and Railway Acts 1879 to 1981, as constructed;
 - (iii) for references to "the East Suffolk and Norfolk River Board" there were substituted references to "the Anglian Water Authority"; and
 - (iv) for subsection (6) of the section (as added thereto by section 5 (Incorporation of provisions of Acts of 1956, 1963 and 1968 relating to works) of the 1979 Act) there were substituted the following subsection:—

"(6) If there shall be any inconsistency between any plans approved or deemed to have been approved by the protected authority under this section and the plans approved under section 12 (Tidal works not to be executed without approval of Board of Trade) of the Felixstowe Dock and Railway Act 1968 as applied by section 11 (Incorporation of provisions of Acts of 1956, 1963, 1968, 1979 and 1981) of the Felixstowe Dock and Railway Act 1988, the authorised work to which the plans relate shall be constructed in accordance with the plans approved under the said section 12";

1968 c. xix.

- (h) section 9 of the Act of 1968 shall have effect as if in subsection (1) (a) after "works" where that word first occurs, there were inserted "(including breakwaters and training walls adjacent to those works)", paragraphs (ii) and (iii) of the proviso to that section were omitted and in subsection (4) (e), for the definition of "local authority", there were substituted "'local authority' means the Suffolk Coastal District Council;";
- (i) section 10 of the Act of 1968 shall have effect as if in subsection (1) after "highway" where that word thirdly occurs, were inserted the words "or seeking access to the foreshore for any legitimate purpose," in subsection (4) for the references to "the Postmaster General" and "the Mayor, Aldermen and Burgesses of the County Borough of Ipswich" there were substituted references respectively to "British Telecommunications plc" and to "the Anglian Water Authority"; and as if in subsection (6), for the reference to "the urban district of Felixstowe" there were substituted a reference to "the Suffolk Coastal District";
- (j) sections 12 (Tidal works not to be executed without approval of Board of Trade), 13 (Provision against danger to navigation), 14 (Abatement of works abandoned or decayed), 15 (Survey of tidal works), 16 (Permanent lights on tidal works) and 17 (Lights on tidal works during construction) of the Act of 1968 shall have effect as if—
- (i) in section 12 (2), the words "as a simple contract debt" were omitted;
 - (ii) in section 13, after the word "House", where it first appears, there were inserted the words "and the Harwich Harbour Board (hereafter in this Act referred to as 'the Board')" and after the word "House", where it secondly and thirdly occurs, there were inserted the words "or the Board";
 - (iii) in section 14 (2), after the word "foreshore" insert "or any right of way" and in section 14 (3), the words "as a simple contract debt" were omitted;
 - (iv) in section 15, the words "as a simple contract debt" were omitted;
 - (v) in section 16, after the word "House" there were inserted the words "or the Board";
 - (vi) in section 17, for the words "as the Board of Trade shall from time to time direct" there were

substituted the words "as the Secretary of State shall direct"; and

(vii) in subsection (2) of each of the said sections 13, 16 and 17, for the words "one hundred pounds" there were substituted the words "the statutory maximum";

(k) Section 40 of the Act of 1968 shall have effect as if—

(i) in subsection (1), in the definition of "specified work", for the reference to section 8 (Power to make works) and section 9 (Subsidiary works) of that Act there were substituted a reference to sections 6, 9 and 10 of this Act;

(ii) in subsection (3), after the words "If the Company in", there were inserted the words ", or for the purpose of," and after the word "Act" there were inserted the words "appropriate, use or";

(l) Section 6 of the Act of 1979 shall have effect as if for paragraph (1) thereof there were substituted—

"(1) In this section 'plans' means plans, sections, drawings, particulars and specifications, and includes particulars of any dredging or other operations affecting tidal waters to be carried out in connection with the construction of any tidal work".

12. Section 4 (Interpretation) of the Act of 1956 is hereby amended by substituting, in the definition of "the railway", for the words "the Felixstowe Dock and Railway Acts 1879 to 1981" the words "the Felixstowe Dock and Railway Acts 1879 to 1988".

Amendment of section 4 of Act of 1956.

13. Section 28 (For protection of Felixstowe Dock and Railway Company) of the Harwich Harbour Act 1974 is hereby amended by substituting, in paragraph (1), for the words "under section 22 (Limits of dock) of the Felixstowe Dock and Railway Act 1979", the words "as defined by section 3 (Limits of dock) of, and the Schedule to, the Felixstowe Dock and Railway Act 1988".

Amendment of section 28 of Harwich Harbour Act 1974. 1974 c. i.

14. For the protection of the authority the following provisions shall, unless otherwise agreed in writing between the Company and the authority apply and have effect:—

For protection of Ipswich Port Authority.

(1) In this section—

"the authority" means the Ipswich Port Authority;

"construction" includes reconstruction, renewal, alteration, replacement or relaying;

“the transferred area” means the area specified in subsection (2) of section 5 (Extension of area of jurisdiction of Harwich Harbour Board) of this Act;

- (2) If, during or after the construction of the work there shall be caused or created any accumulation of silt or other material or any scouring or other alteration of the tidal flow in the river Orwell in consequence of—
- (a) the construction of the work; or
 - (b) dredging carried out in the transferred area for or by the Company or for or by the Harwich Harbour Board;

which shall so adversely affect the regime of the said river as materially to increase the cost to the authority for maintaining the conservancy of the said river in accordance with their statutory duties and powers, the Company, if so requested by the authority, shall at their discretion either carry out such work as may be reasonably required by the authority or reimburse the authority the amount by which the cost of so maintaining the conservancy of the said river is increased, provided that such cost is reasonably incurred;

- (3) Any difference arising between the Company and the authority under this section shall be settled by arbitration.

Modification
of town and
country
planning.

S.I. 1977/289.

15.—(1) In their application to development authorised by this Act—

- (a) article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to so much of the work as is actually completed or such length of quay as is actually being constructed at the end of a period of 10 years from the date of commencement of this Act or at the end of such extended period as the Secretary of State may, on the application of the Company, allow; and
- (b) article 3 of, and Classes XII and XVIII in Schedule 1 to the Town and Country Planning General Development Order 1977 (which respectively permit development authorised by private Act as aforesaid and development of the operational land of a dock undertaking) shall have effect as if the authority to

develop given thereunder excluded buildings or any other structures or erections (including, without prejudice to the generality of the foregoing, stacks of goods, materials or shipping containers) above a height of 17 metres from ground level as shown on the deposited plans other than lights and lighting towers, cranes, trolleys, gantries, jibs or booms required for the operation of the Company's undertaking.

(2) Nothing in subsection (1) (a) above shall affect the carrying out of any development which consists of any reconstruction, renewal, alteration, replacement or relaying of the works as authorised by subsection (2) of section 6 of this Act.

16. Notwithstanding anything in sections 222 or 223 of the Town and Country Planning Act 1971 no land within the limits of the dock shall be operational land within the meaning of the said Act of 1971 except that land situate to the south-east of an imaginary line commencing at the most upstream point of a length of quay which is—

Limit of operational land.
1971 c. 78.

(a) after the commencement of this Act, constructed and continuous with such length of quay as exists or is under construction at the commencement of this Act; and

(b) brought into operational use;

and thence in a north-easterly direction to a point of intersection with the limits of the dock:

Provided that nothing in this section shall apply so as to restrict the construction or operation of a freightliner rail terminal on an area of land within the limits of the dock having a width not greater than 82 metres and a length (measured in a north-westerly direction from reference point TM 2702634452) not greater than 1,190 metres.

17.—(1) No person shall carry out any development on Trimley Marshes except—

Restriction on development of Trimley Marshes.

(a) a development connected with a nature reserve;

(b) landscaping connected with the work; and

(c) a development for which permission is granted under Class VI of Schedule 1 to the Town and Country Planning General Development Order 1977.

S.I. 1977/289.

(2) In this section—

“development” has the meaning given to it by section 22 of the Town and Country Planning Act 1971;

“Trimley Marshes” means the area of land bounded by an imaginary line commencing at a point at

TM6254523670 thence in an easterly direction to a point at TM6258723662 thence in a southerly direction to a point at TM6259223612 thence in an east-south-easterly direction to a point at TM6264523600 thence in a south-easterly direction to a point at TM6274223530 thence in a south-westerly direction to a point at TM6269223490 thence in a north-westerly direction to a point at TM6261023547 thence in a south-westerly direction to a point at TM6257223495 thence in a northerly direction to and terminating at the point of commencement.

For protection
of Suffolk
Coastal
District
Council.

18. For the protection of the Suffolk Coastal District Council (in this section referred to as "the Council") the following provisions shall unless otherwise agreed in writing between the Company and the Council, apply and have effect:—

(1) Except in case of emergency, the Company shall take all reasonably practicable steps to operate their undertaking (but only so far as it operates on land within the limits of deviation) in such a manner as to avoid causing, at the normal steady state, operational noise under neutral weather conditions to exceed a leq sound level of 60 db(A) measured—

(i) between 22.00 hours and 07.00 hours; and

(ii) at any point measured outwards and being not less than 500 metres from any part of the north-west or north-east limits of deviation.

(2) In the case of any dispute between the Company and the Council as to the level of the operational noise referred to in paragraph (1) above, that level shall be measured in accordance with the provisions of the Schedule to the Control of Noise (Measurements and Registers) Regulations 1976 so far as they are not inconsistent with the provisions of this section.

(3) In this section "leq" and "db(A)" have the meanings given in paragraph 1 of the said Schedule to the said Regulations of 1976.

(4) Any difference arising between the Company and the Council under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

S.I. 1976/37.

Road traffic
offences on
dock roads.
1972 c. 20.
1984 c. 27.

19.—(1) In this section—

"the Act of 1972" means the Road Traffic Act 1972;

"the Act of 1984" means the Road Traffic Regulation Act 1984;

“dock road” means any road, pier, wharf, quay, bridge, cargo handling area or other work or any land which is—

- (a) vested in, or the property of, the Company; and
- (b) situated within the limits of the dock; and
- (c) accessible to motor vehicles;

“motor vehicle” has the same meaning as in the Act of 1972.

(2) (a) The Act of 1972 and the Act of 1984 shall have effect as if, in the provisions thereof hereinafter mentioned, the expressions “road” and “highway” included a dock road and any person who commits an offence under any of those provisions as extended by this section shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 196 of the Act of 1972, and all the provisions of those Acts, so far as applicable, shall apply accordingly.

(b) Where any such provision confers power to make regulations the reference to that provision includes a reference to any regulations thereunder from time to time in force.

(3) The provisions referred to in subsection (2) above are—

The Act of 1972—

- | | | |
|---------|----|--|
| Section | 1 | (Causing death by reckless driving); |
| Section | 2 | (Reckless driving); |
| Section | 3 | (Careless, and inconsiderate driving); |
| Section | 5 | (Driving, or being in charge, when under influence of drink or drugs); |
| Section | 6 | (Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit); |
| Section | 7 | (Breath tests); |
| Section | 17 | (Reckless cycling); |
| Section | 18 | (Careless, and inconsiderate cycling); |
| Section | 19 | (Cycling when under influence of drink or drugs); |
| Section | 21 | (Restriction on carriage of persons on bicycles); |
| Section | 22 | (Drivers to comply with traffic directions); |
| Section | 23 | (Pedestrians to comply with directions to stop given by constables regulating vehicular traffic); |
| Section | 24 | (Leaving vehicles in dangerous positions); |

- Section 25 (Duty to stop, and furnish particulars, in case of accident);
- Section 29 (Penalisation of tampering with motor vehicles);
- Section 30 (Penalisation of holding or getting on to vehicle in order to be towed or carried);
- Section 32 (Wearing of protective headgear);
- Section 33A (Wearing of seat belts);
- Section 33B (Restrictions on carrying children in the front of motor vehicles);
- Section 40 (Regulation of construction, weight, equipment and use of vehicles);
- Section 44 (Obligatory test certificates for vehicles other than goods vehicles to which s.45 applies);
- Section 53 (Testing of condition of vehicles on roads);
- Section 66 (Regulation of brakes, bells, etc., on pedal cycles);
- Section 84 (Drivers of motor vehicles to have driving licences);
- Section 99 (Offence of obtaining a licence, or driving, while disqualified);
- Section 100 (Arrest without warrant of persons driving while disqualified);
- Section 143 (Users of motor vehicles to be insured or secured against third-party risks);
- Section 159 (Power of police to stop vehicles);
- Section 161 (Power of constables to require production of driving licences and in certain cases statement of date of birth);
- Section 162 (Power of constables to obtain names and addresses of drivers, and others);
- Section 166 (Duty of driver, in case of accident, involving injury to another, to produce evidence of insurance or security or to report accident):

The Act of 1984—

- Section 64 (General provisions as to traffic signs);
- Section 65 (Powers and duties of highway authorities as to placing of traffic signs);
- Section 67 (Emergencies and temporary obstructions);

- Section 89 (Speeding offences generally);
- Section 99 (Removal of vehicles illegally, obstructively or dangerously parked, or abandoned or broken down);
- Section 102 (Charges for removal, storage and disposal of vehicles):

Provided that, if no duty is chargeable under the Vehicles (Excise) Act 1971, in respect of a motor vehicle— 1971 c. 10.

- (a) by virtue of the provisions of subsection (1) of section 7 of that Act; or
- (b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said sections 32, 33A, 40, 44, 84, 143, 161 and 166 of the Act of 1972 shall not apply in respect of the driving, riding on or in, use or, as the case may be, presence of that vehicle on a dock road.

(4) (a) This subsection applies to a motor vehicle of any class other than one falling within subsection (6) of section 86 of the Act of 1984.

(b) It shall not be lawful to drive a motor vehicle to which this subsection applies on a dock road at a speed exceeding 30 miles per hour, and a contravention or alleged contravention of this subsection shall be treated for all purposes as though it were a contravention or alleged contravention of the said section 86.

(5) For the purposes of the Act of 1972 and the Act of 1984, as extended and applied by this section the expression "chief officer of police" where used in those Acts includes the chief police officer of the Company and the expression "highway authority" means the Company in relation to any dock road.

Section 3.

SCHEDULE

LIMITS OF DOCK

First an area bounded by an imaginary line commencing at a point at TM2823931915, thence in a northerly direction along the level of mean low-water springs to a point at TM2826032015, thence along the fence marking the north and north-east boundaries of Landguard Fort to a point at TM2842331967, thence in a straight line in a north-north-easterly direction to a point at TM2843331983, thence in a straight line in a north-easterly direction to a point at TM2856432083, thence in a straight line in an east-north-easterly direction to a point at TM2866832104, thence in a straight line in a north-north-easterly direction to a point at TM2870332217, thence in a north-easterly direction following the line of Landguard Road to a point at TM2875932324, thence in a straight line in a north-north-easterly direction to a point at TM2886832735, thence in a straight line in a north-easterly direction to a point at TM2891032814, thence in a straight line in a northerly direction to a point at TM2891032945, thence in a straight line in a north-easterly direction to a point at TM2896332970, thence following the curve of Carr Road to a point at TM2884432942, thence in a straight line in an easterly direction to a point at TM2890032943, thence in a straight line in a southerly direction to a point at TM2890032824, thence in a straight line in a west-south-westerly direction to a point at TM2866232734, thence in a straight line in a north-westerly direction to a point at TM2859032810, thence in a straight line in a west-north-westerly direction to a point at TM2857632831, thence in a northerly direction to the northside boundary of Carr Road to a point east of the railway crossing at TM2860132915, thence in a westerly direction along the northern boundary of the said Carr Road to a point at TM2847633000, thence in a northerly direction across the railway line to a point on the northern boundary fence of that railway at TM2847333023, thence in an easterly and thereafter a north-north-easterly direction along the northern and north-western boundary fence of that railway to a point at TM2908433355, thence in a north-westerly direction along the centre line of a drain to a point at TM2905033385, thence in a south-westerly direction along the centre line of a drain and thence along the foot of the bank marking the boundary of the outfall works of the Suffolk Coastal District Council to a point at TM2873133145, thence in a north-easterly direction along the foot of the said bank to a point at TM2884533286, in a south-easterly direction to a point at TM2890633233, thence following the fence line to a point at TM2902033371, thence in a north-easterly direction along the western boundary of the Suffolk Coastal District Council's road affording access to their outfall works to a point on the southern boundary of Walton Avenue at TM2912733557, thence in a north-westerly direction along the southern boundary of Walton Avenue continuing in a straight line until reaching the Dooley Roundabout thence following the western outer perimeter of the Roundabout thence continuing in a north-westerly direction on the southern boundary of Fagbury Road to a point at TM2768234310, thence in a north-westerly direction along the centre line of the drain to its termination at TM2742434570,

thence in a straight line in a west-north-westerly direction to the point where the footpath along the top of the sea wall joins the roadway or track at TM2737634581, thence in a west-south-westerly direction along the south-eastern boundary of a road or tract to a point at TM2730034526, thence continuing in a south-westerly direction to a point at TM2728534520, thence in a westerly direction on the seaward side of the bridle path situated at the base of Fagbury cliffs to a point at TM2680034700, thence in a northerly direction to a point at TM2680034800, thence in a north-easterly direction to a point at TM2690034900, thence in a north-westerly direction to a point at TM2610035500, thence in a south-westerly direction to a point at TM2563634878, thence following a line 50 metres riverward from the line of the work authorised by section 6 of this Act in a south-easterly direction to a point at TM2646634200, thence continuing in a south-easterly direction to a point at TM2733033410, thence continuing in a south-easterly direction to a point at TM2792032820, thence in a south-south-easterly direction to a point at TM2808032460, thence in a southerly direction to a point at TM2812031910, thence in an easterly direction to and terminating at the point of commencement;

SCH.
—cont.

And secondly, from and after the construction and opening for traffic of the railway work authorised by section 4 (Power to make works) of the Act of 1981, so much of the land within the limits of deviation and land to be acquired delineated on the deposited plan referred to in that Act as lies within 35 metres on either side of the rails of that railway or between any fences constructed on either side of that railway, whichever is the less.



Felixstowe Dock and Railway Act 1988

CHAPTER xiv

ARRANGEMENT OF SECTIONS

Section

1. Short and collective titles.
2. Interpretation.
3. Limits of dock.
4. Dock Workers Employment Scheme not to relate to any part of limits of dock.
5. Extension of area of jurisdiction of Harwich Harbour Board.
6. Power to make work.
7. Consent of Secretary of State required for certain works.
8. Restriction on deposit of material.
9. Footpaths and bridleways.
10. Temporary stoppage of footpath and bridleway.
11. Incorporation of provisions of Acts of 1956, 1963, 1968, 1979 and 1981.
12. Amendment of section 4 of Act of 1956.
13. Amendment of section 28 of Harwich Harbour Act 1974.

Section

14. For protection of Ipswich Port Authority.
15. Modification of town and country planning.
16. Limit of operational land.
17. Restriction on development of Trimley Marshes.
18. For protection of Suffolk Coastal District Council.
19. Road traffic offences on dock roads.

SCHEDULE—Limits of dock.