

2012 No. 3129

HARBOURS, DOCKS, PIERS AND FERRIES

The Port of Ipswich Harbour Revision Order 2012

Made - - - - *18th December 2012*

Laid before Parliament *20th December 2012*

Coming into force - - *15th January 2013*

Anglo-Norden Forest Products Limited have applied in accordance with section 14(2)(a) of the Harbours Act 1964(a) 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(b) under section 42A of the Act(c) delegated the functions of the appropriate Minister under section 14(d) to the Marine Management Organisation(e).

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

Citation, commencement and duration

1.—(1) This Order may be cited as the Port of Ipswich Harbour Revision Order 2012 and shall come into force on 15th January 2013.

(2) The Ipswich Dock Acts and Orders 1852 to 2006 and this Order may be cited together as the Ipswich Dock Acts and Orders 1852 to 2012.

(3) This Order shall cease to have effect if Gasworks Quay and Eagle Wharf cease to be occupied by Anglo-Norden for the discharging of ships.

Interpretation

2. In this Order —

“the advance advisory notice” means a clearly legible and prominently displayed notice placed at the junction of Ship Launch Road and Cliff Road and at the junction of Patteson Road and

(a) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), Schedule 6, paragraphs 2 to 4(1) and 14 and Schedule 12 (Part II), by the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 1, by S.I. 2006/1177, regulation 2 and the Schedule (Part I), by the Planning Act 2008 (c.29), Schedule 2, paragraphs 8 and 9, by S.I. 2009/1941, 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), Schedules 6 and 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), Schedule 21, paragraph 3(2).

(b) See 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) Schedule 21, paragraph 3(1).

(d) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).

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

Cliff Road notifying members of the public that a part of RB 36 will be closed under article 3 and giving details of the closure;

“the advisory notice” means a clearly legible and prominently displayed notice placed at the junction of Ship Launch Road and Cliff Road and at the junction of Patteson Road and Cliff Road notifying members of the public that a part of RB 36 is closed under article 3 and giving details of the closure;

“the alternative route” means a route over land within the confines of RB 36 being 3.5 metres wide from the imaginary line between points C and D specified in the definition of “the Eagle Wharf part” to a point 48 metres northward and from there 1.5 metres wide to the imaginary line between points E and F specified in the definition of “the Gasworks Quay part”;

“Anglo-Norden” means Anglo-Norden Forest Products Limited or its successors in title as owners of Gasworks Quay and Eagle Wharf or either of them;

“calendar quarter” means three months starting on 1st January, 1st April, 1st July or 1st October;

“calendar year” means a year starting on 1st January;

“Eagle Wharf” means the quay in the Ipswich Wet Dock known as Eagle Wharf and shown on the plan in the Schedule;

“the Eagle Wharf part” means that part of RB 36 from an imaginary line drawn between point A (52° 2.8217 N, 1° 9.7973 E) and point B (52° 2.8212 N, 1° 9.8119 E) to an imaginary line drawn between point C (52° 2.8841 N, 1° 9.8010 E) and point D (52° 2.8776 N, 1° 9.8114 E) (based on the WGS 84 datum), shown for identification on the plan in the Schedule;

“Gasworks Quay” means the quay in the Ipswich Wet Dock known as Gasworks Quay and shown on the plan in the Schedule;

“the Gasworks Quay part” means that part of RB 36 from an imaginary line drawn between point A (52° 2.8217 N, 1° 9.7973 E), and point B (52° 2.8212 N, 1° 9.8119 E) to an imaginary line drawn between point E (52° 2.9616 N, 1° 9.7997 E) and point F (52° 2.9617 N, 1° 9.8078 E) (based on the WGS 84 datum), shown for identification on the plan in the Schedule;

“land within the confines of RB 36” means land over which the restricted byway rights of RB 36 would be exercisable when not suspended;

“public holiday” means Christmas Day, Good Friday or a day specified as a bank holiday in England and Wales in Schedule 1 to the Banking and Financial Dealings Act 1971(a) or a day having effect as a bank holiday in England under section 1(3) of that Act;

“RB 36” means the restricted byway in Helena Road recorded by the Suffolk County Council (County Borough of Ipswich Definitive Map and Statement) (Restricted Byway 36) Modification Order 2009 made under section 53(2)(b) of the Wildlife and Countryside Act 1981(b), as confirmed with modification by decision of the Inspector on 4 March 2011(c) in accordance with paragraphs 7 and 10 of Schedule 15 to that Act;

“restricted byway” and “restricted byway rights” have the meanings given in section 48(4) of the Countryside and Rights of Way Act 2000(d); and

“the WGS 84” means the World Geodetic System, revised in 1984 and further revised in 2004.

Suspension of restricted byway rights over RB 36 by temporary closure

3. Subject to article 4—

- (a) Anglo-Norden may close RB 36 along the Gasworks Quay part while discharging a ship on Gasworks Quay; and

(a) 1971 c.80.

(b) 1981 c.69; section 53 and Schedule 15 were amended by the Countryside and Rights of Way Act 2000 (c.37), Schedule 5(Pt I) and section 53 was amended by the Natural Environment and Rural Communities Act 2006 (c.16), section 70(1).

(c) See order reference: FPS/V3500/7/303 on <http://www.planning-inspectorate.gov.uk>.

(d) 2000 c.37.

- (b) Anglo-Norden may close RB 36 along the Eagle Wharf part while discharging a ship on Eagle Wharf; and
- (c) when a part of RB 36 is closed under paragraph (a) or (b) all restricted byway rights over that part of RB 36 are suspended save over the alternative route required by article 4(4) where only the right of way for horse-drawn vehicles is suspended.

Conditions relating to closure of parts of RB 36

4.—(1) No part of RB 36 may be closed on a Saturday, Sunday or public holiday and the total number of days of closures under article 3 must not exceed 70 days in any calendar year and 25 days in any calendar quarter.

(2) When any part of RB 36 is closed under article 3 it must not be closed—

- (a) on more than two consecutive days; and
- (b) before 7am or after 6pm.

(3) Anglo-Norden must display the advance advisory notice for 24 hours prior to a closure of a part of RB 36 under article 3 and must also display the advisory notice at all times during such a closure.

(4) At all times during a closure of the Gasworks Quay part under article 3(a)—

- (a) Anglo Norden must provide and maintain the alternative route; and
- (b) the exercise of the power conferred by article 3(a) shall not prevent a person from proceeding along the Gasworks Quay part at any time in order to gain access to or egress from land or premises adjacent to or accessible only from the Gasworks Quay part.

(5) At all times during a closure of the Eagle Wharf part under article 3(b) Anglo Norden must do nothing to prevent the use of the full width of Pattenon Road at its junction with RB 36.

(6) The exercise of the power conferred by article 3(a) or (b) shall not prevent traffic authorised to do so by Associated British Ports as harbour authority for the Port of Ipswich from having access to, or using, RB 36 at any time in connection with the carrying out of its harbour undertaking.

(7) The exercise of the power conferred by article 3(a) or (b) shall not prevent access to, or the use of, RB 36 by fire engines, police vehicles or ambulances at any time.

(8) Anglo-Norden must ensure that when any part of RB 36 is opened following a closure it is in a condition fit for public use, in particular, but without prejudice to the generality of the foregoing, by the removal of any debris or obstruction or the repair of any damage or deterioration occasioned by operations related to the discharging of ships during the closure.

Signed by authority of the Marine Management Organisation

J. Cross
Chief Executive Officer

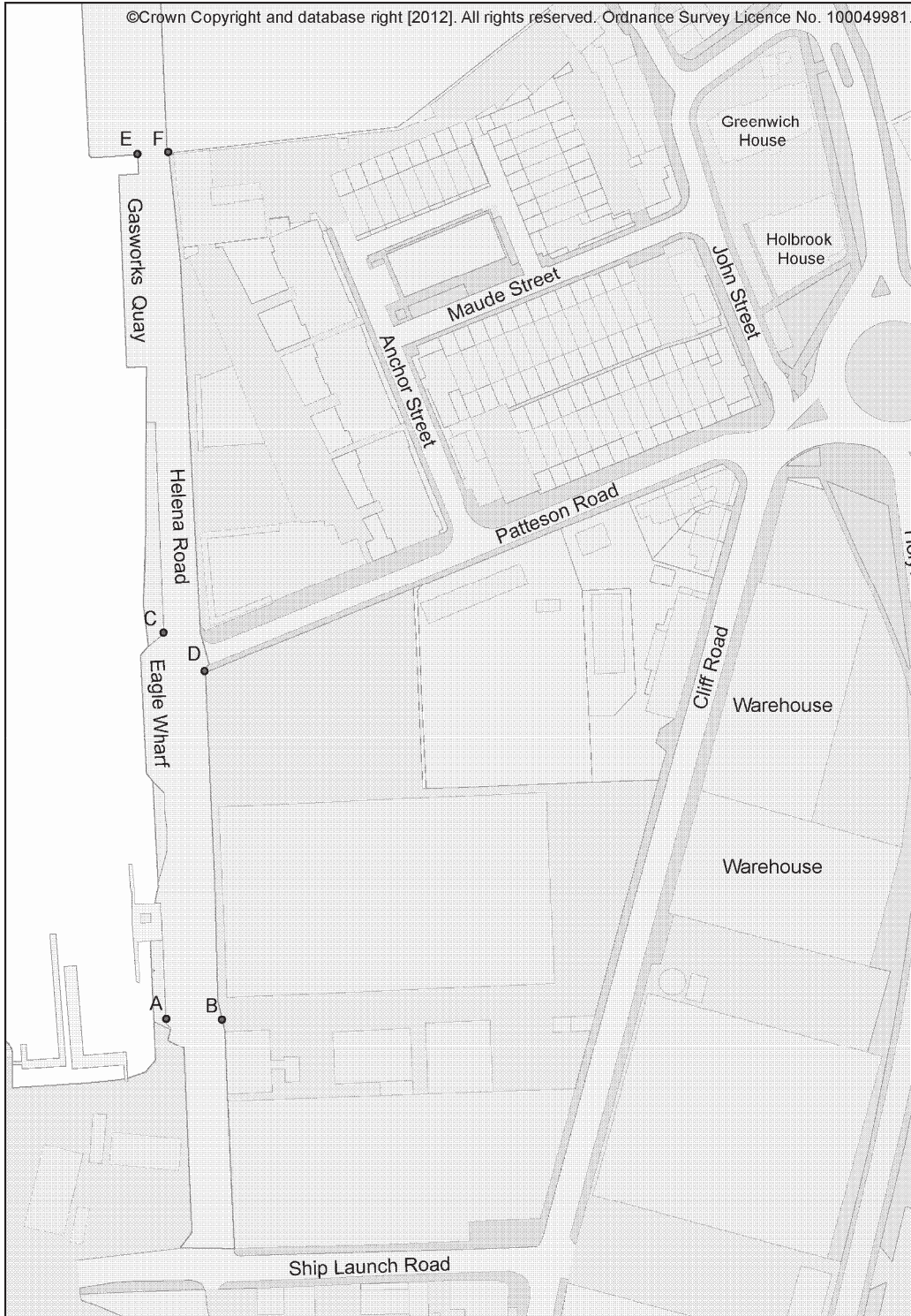
18th December 2012

An authorised employee of the Marine Management Organisation

SCHEDULE

Article 2

PLAN SHOWING PARTS OF RB 36



EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Anglo-Norden (defined in article 2) to close parts of a restricted byway (see definition of “RB 36” in article 2) in the Ipswich Wet Dock while ships are being discharged on adjacent quays (article 3), subject to the conditions in article 4 and in particular no closure of a part of the restricted byway on a Saturday, Sunday or a bank holiday (article 4(1)), on more than two consecutive days (article 4(2)(a)) and before 7am or after 6pm (article 4(2)(b)) and the provision and maintenance of an alternative route when a part is closed under article 3(a) (see the definition of “the alternative route” in article 2 and article 4(4)(a)).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen and the impact on business is considered to be minor.

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STATUTORY INSTRUMENTS

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