12 May 2025 – Updated 24 April 2026

WELSH GOVERNMENT

HARBOURS ACT 1964 (AS AMENDED)

PROPOSED FISHGUARD HARBOUR REVISION ORDER 202[X]

STATEMENT IN SUPPORT OF APPLICATION FOR ORDER BY THE FISHGUARD AND ROSSLARE RAILWAYS AND HARBOURS COMPANY

UPDATED 24 APRIL 2026 REGARDING AMENDMENTS TO THE APPLICATION (NEW SECTION 6 AND AMENDMENTS TO APPENDIX 2 ADDED)

1. INTRODUCTION

1.1 This statement relates to the application by the Fishguard and Rosslare Railways and Harbours Company ("FRRHCo") for the proposed Fishguard Harbour Revision Order ("the HRO") which would authorise works to be carried out within Fishguard harbour.

1.2 This statement explains why the proposed works are needed and how the requirements of the 1964 Act have been met.

1.3 FRRHCo has applied for the HRO in its capacity as the statutory harbour authority for Fishguard harbour. The application is for an HRO to be made under the powers conferred on the Welsh Ministers by section 14 of the Harbours Act 1964[1].

1.4 The application for the HRO has made by FRRHCo in a letter to the Welsh Government dated 12 May 2025, is accompanied by:

(a) A draft of the HRO;

(b) Plans and Sections;

(c) An Environmental Statement (ES);

(d) A non-technical summary of the ES;

(e) This statement; and

(f) The fee for the application, paid to the Welsh Government by bank transfer in advance of the application, in the sum of £10,000.

1.5 The HRO would authorise FRRHCo to construct works at Fishguard harbour. The principal works are the reclamation of land and the construction of an adjoining linkspan. The works are intended to replace existing ferry facilities at Fishguard Harbour which are owned and operated by Stena Line Ports Limited ("Stena").

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[1] Section 29 of the Wales Act 2017 transfers certain functions, which were exercisable by a Minister of the Crown in relation to Welsh harbours, to the Welsh Ministers with effect from 1 April 2018. Those functions include those exercisable under section 14 of, and Schedule 3 to, the Harbours Act 1964 enabling a harbour revision order to be made under that section and in accordance with the procedure set out in that Schedule. This is subject to the transitional provisions applying in relation to the transfer of those functions made by The Wales Act 2017 (Welsh Harbours) (Transitional Provisions and Savings) Regulations 2018 (S.I. 2018 No. 2780) ('the 2018 Regulations').

The relationship between FRRHCo and Stena (and why FRRHCo is the applicant for the HRO) is explained in paragraph 3 below.

2. FISHGUARD HARBOUR



Fishguard Harbour: A ferry can be seen berthed at the existing linkspan.

2.1 Fishguard Harbour is located adjacent to the coastal town of Fishguard in the county of Pembrokeshire, south-west Wales. Stena Line currently operate a twice daily Ro Ro ferry service from facilities owned by Stena at Fishguard Harbour to Rosslare, County Wexford in the Republic of Ireland.

2.2 Access to the ferry is by means of a single lane linkspan which is proposed to be removed and replaced with a modern two lane linkspan (floating pontoon) pontoon. To facilitate access to the new linkspan, a new vehicular approach area is proposed which will be formed by reclaiming land from the bed of Fishguard Harbour.

2.3 Further details of the proposed works is given below and a full description of them is set out in chapter 2 (Project Description) of the Environmental Statement accompanying the application for the HRO.

3. THE FISHGUARD AND ROSSLARE RAILWAYS AND HARBOURS COMPANY AND STENA LINE PORTS LIMITED

3.1 Although, as mentioned at paragraph 1.5 above, the Ro-Ro ferry facilities at the harbour are owned and operated by Stena, FRRHCo is the statutory harbour authority for the harbour.

3.2 FRRHCo is a statutory corporation originally incorporated under the name of the Fishguard Bay Railway and Pier Company by the Fishguard Bay Railway and Pier Act 1893 but renamed as the Fishguard and Rosslare Railways and Harbours Company by the Fishguard and Rosslare Railways and Harbours Act 1894.

3.3 FRRHCo has powers to improve, maintain and manage Fishguard Harbour conferred by a number of Acts including the Fishguard and Rosslare Railways and Harbours Act 1899 ("the 1899 Act").

3.4 An Agreement of 27 May 1898 ("the 1898 Agreement"), scheduled to the 1899 Act and made between the FRRHCo, the Great Western Railways Company ("GWR") and the Great Southern and Western Railway Company provides in clause 13 that:

> *"[GWR] shall work manage and maintain the portion of [FRRHCo's] undertaking on the English side including the steamboat service between Fishguard and Rosslare and The Great Southern Company shall work manage and maintain the portion of [FRRHCo's] undertaking on the Irish side and any loss incurred on the English side including the steamboat service shall be made good and borne by [GWR] and any loss incurred on the Irish side shall be made good and borne by The Great Southern Company."*

3.5 Following the 1898 Agreement, further works and other powers relating to Fishguard Harbour were conferred on FRRHCo by various Acts including the Fishguard and Rosslare Railways and Harbour Acts 1908 and 1914, the Great Western Railway (Dock Charges) Act 1954 and the British Railways Board Acts 1965, 1967 and 1980.

3.6 By the Transport Act 1947, the rights and responsibilities of GWR were transferred to the British Transport Commission. These rights were subsequently transferred to the British Railways Board ("BRB") under the Transport Act 1962 and then in 1979 to Sealink UK Limited (which at that time was a wholly-owned subsidiary of BRB) under the British Rail Shipping and Harbours Scheme 1979 ("the 1979 Scheme").

3.7 The 1979 Scheme also provided for transfer of the shares held by BRB in FRRHCo to Sealink UK Limited.

3.8 In 1984, the rights and responsibilities of FRRHCo held by Sealink were transferred to British Ferries Limited when BRB sold its shares in Sealink to British Ferries which changed its operating name to Sealink British Ferries.

3.9 In 1990, Stena Group AB bought Sealink British Ferries. Stena Line Ports Limited (which is owned by Stena AB) owns and operates all of the ports in the Stena Group including Fishguard Harbour.

4. THE HARBOURS ACT 1964

4.1 Section 14 of the Harbours Act 1964 ("the 1964 Act") confers powers which have been transferred to the Welsh Ministers to make an order under that section (known as a harbour revision order) in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties for achieving all or any of the objects specified in Schedule 2 to the Act.

4.2 Under section 14(2)(a) of the 1964 Act, an HRO must be made on an application made "*by the authority engaged in improving, maintaining or managing [the harbour] or by a person appearing to [the Welsh Ministers] to have a substantial interest [in the harbour]..*".

4.3 However, an HRO can only provide for the powers to carry out works (and any incidental powers) to be conferred on the harbour authority. This is because under section 14(1) of the 1964 Act an HRO can only be made to achieve all or any of the objects specified in Schedule 2 to the Act, and those objects are in terms of powers being conferred on the harbour authority. Schedule 2 to the 1964 Act is set out at Appendix 1 to the statement.

4.4 "*Harbour authority*" is defined in section 57 of the 1964 Act as "*any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing the harbour*". The application for the HRO is therefore made by FRRHCo as the statutory harbour authority for Fishguard harbour.

4.5 Section 14(2)(b) of the 1964 Act provides that the Welsh Ministers must be:

> *"satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or facilitating the efficient and economic transport of*

goods or passengers by sea or in the interests of the recreational use of sea-going ships".

4.6 Because the HRO would authorise a project (within the meaning of paragraph 1 of Schedule 3 to the 1964 Act), prior notification to the Welsh Ministers under paragraph 3(a) of Schedule 3 to the 1964 Act was given on 9 January 2025.

4.7 On 21st January 2025 the Welsh Ministers gave notice that they had determined that the project would require an environmental impact assessment.

4.8 On the 21st January 2025 the Welsh Minsters also gave notice in accordance with paragraph 20D of Part 1 of Schedule 3 to the 1964 Act in respect of the proposed HRO application that the Welsh Ministers are satisfied that:-

"a) an assessment of the effects of the project on the environment, or any activity to be carried out in the course of it, has been, is being or will be carried out by NRW under the Marine Works (Environmental Impact Assessment) Regulations 2007 ('the Marine EIA regulations')

b) The marine works assessment will be sufficient to meet the requirements of Section 1 of Part 1 of Schedule 3 of the 1964 Act, as follows:

(i) the preparation of an environmental statement by the applicant,

(ii) the carrying out of consultations about the likely significant effects of the project on the environment,

(iii) consideration of the information about the likely significant effects of the project on the environment, and

(iv) reaching a reasoned conclusion on the significant effects of the project on the environment.

c) NRW will make the reasoned conclusion (and any information relating to that assessment that the Welsh Ministers may reasonably require) available to the Welsh Ministers for the purposes of determining the application. The Welsh Ministers will give consideration to the reasoned conclusion when making a decision on the application for an HRO.

4.9 The application for the HRO under section 14 of the Act of 1964 meets the conditions set out in that section. In particular, the application meets the requirements of:

(a) section 14(1) of the 1964 Act because it is made in relation to a harbour which is being improved, maintained or managed by a harbour authority

in the exercise and performance of its statutory powers and duties for the purpose of achieving objects falling within Schedule 2 to the Act.

(b) section 14(2) of the 1964 Act because:

(i) The application is made upon the written application of a harbour authority engaged in improving, maintaining or managing the harbour: and

(ii) The making of the HRO is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner.

5. NEED AND JUSTIFICATION FOR HRO

5.1 Access to ferries at Fishguard is currently provided by a single lane linkspan which was installed in the early 1970's and is supplemented by a temporary jack up pontoon structure. It is proposed to remove the existing linkspan because it is approaching its end of life and replace it with a new, modern linkspan pontoon.

5.2 To provide improved access to the new linkspan pontoon, the existing open pile deck structure and dolphin which currently provide access to the existing linkspan are required to be partially demolished and replaced with a larger vehicle approach area. This area will be formed by a reclaimed area of land which is also required to accommodate the new linkspan geometry.

5.3 Although there are currently no plans to expand the current ferry service at Fishguard, the proposed new linkspan pontoon will be designed to comply with modern standards and provide two lanes for vehicles embarking and disembarking from vessels. The new linkspan pontoon together with the larger approach area would therefore enable a larger range of vessels, notably the beam of the vessel, to use the facilities thereby providing the ability for Fishguard to handle modern RoPax ferries, which the current linkspan does not allow.

5.4 The table at Appendix 2 to this statement summarises the purpose and effect of the powers and other matters sought under the HRO, identifies the relevant provisions of the 1964 Act which provides that the powers or other matters may be included in an HRO and gives a justification for the inclusion of the particular power or other matter in the HRO.

6. AMENDMENTS TO THE HRO APPLICATION SUBMITTED 24 APRIL 2026

Submission of amendments to the HRO application

6.1 On 24 April 2026 FRRHCo submitted amendments to the documents that FRRHCo originally submitted to the Welsh Government on 12 May 2025 with the application for the HRO ("the Original HRO Application"). The amended documents submitted on 24 April 2026 ("the Amended HRO Application") were:-

(a) A clean amended draft of the HRO dated 24 April 2026;

(b) A comparison HRO which shows, as tracked changes, the amendments made to the draft HRO submitted with the application on 12 May 2025 which have now been included in the clean amended draft of the HRO dated 24 April 2026;

(c) Amended Plans and Sections;

(d) An amended Environmental Statement (ES);

(e) An amended non-technical summary of the ES; and

(f) An amended version of this Statement (with new section 6 and amendments to Appendix 2 added).

Need and justification for the Amended HRO Application

6.2 FRRHCo have submitted the Amended HRO application so as to take account of design refinements to the works described in Section 5 of this Statement which have been undertaken by FRRHCo following the submission of the Original HRO Application.

6.3 As stated in paragraph 5.1 of this Statement, the principal need and justification for the Original HRO Application was to authorise the construction of new linkspan facilities at Fishguard to provide access to ferries to replace the existing linkspan facilities at Fishguard that were constructed in the 1970s as these linkspan facilities are approaching the end of their life. This remains the principal need and justification for the Amended HRO Application.

6.4 As the existing linkspan facilities are approaching the end of their life an overarching objective for FRRHCo in making the Original HRO Application was to have new linkspan facilities in place and operational by Spring 2027. Failure to achieve this would result in the closure of the twice daily Ro Ro ferry service currently operated by Stena at Fishguard to Rosslare, County Wexford in the Republic of Ireland.

6.5 The Original HRO Application, as detailed in Section 5 above, made provision for the construction of a new two lane linkspan pontoon to allow for vehicles to embark and disembark vessels. However, and as detailed in paragraph 5.2 above,

the operation of this proposed two lane linkspan pontoon required a larger vehicle approach area which was to be formed by a reclaimed area of land which was also required to accommodate the new linkspan geometry.

6.6 Following submission of the Original HRO Application ongoing geotechnical site investigations, undertaken to support the ongoing detailed design of the construction of the proposed works, identified that the seabed in the area of the proposed reclamation was in poor condition and so would likely require further extensive remediation works to be undertaken to enable the area to be reclaimed. This created a significant risk that the construction of the linkspan works as proposed in the Original HRO Application would be delayed and would not be completed by Spring 2027.

6.7 To mitigate the risk of delay to the delivery of new linkspan facilities, with the resultant impacts that would have on the continued operation of the Fishguard-Rosslare Ro Ro ferry service, FRRHCo undertook a detailed design refinement review of the original proposals. This design refinement review identified that the construction of a new single lane floating linkspan bridge and pontoon was sufficient to ensure both the provision of upgraded linkspan facilities and the continued operation of the Fishguard-Rosslare Ro Ro ferry service. Furthermore, the refinement of the design to provide a new single lane floating linkspan bridge and pontoon, allowed the new linkspan facilities to be located and operated from the existing approach structure at Fishguard. This removed the need for the reclaimed area of land as identified in the Original HRO Application and so therefore the requirement to construct reclamation works within the poor condition seabed area identified by the ongoing geotechnical site investigations.

6.8 Accordingly, the Amended HRO Application has now been submitted to reflect the outputs of this design refinement review.

Nature of the project design refinements

6.9 The table below provides a summary of the main construction elements for the refined project which is the subject of the Amended HRO Application (Column (1)) together with a summary of the main refinements to the project that was subject of the Original HRO Application (Column (2)).

(1) **Refined project scope for the Amended HRO Application - Main Construction Elements**	**(2)** **Summary of refinements to the project as subject of the Original HRO Application**
• Dismantling and removal of:-	• Reclamation works – not required.

(1) **Refined project scope for the Amended HRO Application - Main Construction Elements**	(2) **Summary of refinements to the project as subject of the Original HRO Application**
○ Existing Jack up barge ○ Existing linkspan bridge and steel towers and associated systems and control kiosk. • Provision of Pontoon. • Provision of a replacement linkspan bridge and connections and any remedial works to the existing bankseat. • Provision for a new bankseat. Piled structure with either a precast or steel structure to form the connection to the new bridge. Temporary piles included for installation. • Concrete repair works to the existing deck and bankseat. • Provision of mechanical and electrical connections to the pontoon. • Provision of guide piles including temporary piles to support installation. • Scour protection.	• Change of linkspan design:- ○ Previously this was a single unit – bridge and landing pontoon combined. ○ Now changed to a single landing pontoon. ○ A new steel bridge will be installed, reaching from the existing suspended deck to the new pontoon. • Change of linkspan pontoon guide piles design:- ○ Change from one large pile to 2 piles; and ○ Change from 4 temporary piles to 8 temporary piles. • Bankseat – new bankseat to be included, 6 new piles with 8 temporary piles. • Scour protection:- ○ To be included in the form of a rock armour or rock bags on the seabed underneath the new pontoon, stretching to the quay wall and to the north edge of the buffer dolphin. • Demolition:- ○ Demolition limited to the removal of the existing jack up barge, the steel towers and linkspan hydraulics, a small kiosk for operating the existing linkspan and the existing linkspan

(1) **Refined project scope for the Amended HRO Application - Main Construction Elements**	(2) **Summary of refinements to the project as subject of the Original HRO Application**
	bridge. In addition, to accommodate the new steel bridge the concrete buffer dolphin will be partially demolished with sections of concrete removed from the internal faces of the structure. • Concrete works:- o Repairs required to the existing concrete deck, these will include breaking out of concrete, replacing steel reinforcement and applying a new concrete surface or repair material to replace spalled or missing sections of concrete. o Remedial works may be required to the existing reinforced concrete bankseat to allow the installation of the new connections for the replacement bridge. Concrete repairs with insitu concrete or repair mortar and installation of resin anchors may be required. • Electrical works:- o New electrical connection required to feed the new pontoon.

Amendments to the draft HRO

6.10 The principal amendments that have been made to the amended draft HRO submitted with the Amended HRO Application to reflect the refined project scope (as described in paragraph 6.9 above) are:-

- Removal of former Work No.1 as the area of reclamation previously identified as comprising former Work No.1 is not required.

- Former Work No.2 re-numbered as Work No.1 with the description of that work amended to reflect the provision of a floating linkspan bridge and pontoon extending from the existing approach structure, including a supporting piled bankseat, and supporting pontoon guide piles with the installation of scour protection works.

- Consequential amendments to amend and/or remove provisions which related to the construction of works associated with the provision of the reclaimed area of land comprising former Work No.1 or which confirmed the status of that reclaimed land.

- Consequential minor amendments to reflect the draft amended HRO now only seeking to authorise one and not two principal works.

6.11 The table at Appendix 2 (Purpose and Effect Notes) to this Statement has also been updated to identify all the amendments made to the draft HRO submitted with the Amended HRO Application and to confirm the requirements for those amendments.

Amendments to the Plans and Sections

6.12 The principal purpose of the amendments to the Plans and Sections is to reflect the refined project scope as described in paragraph 6.9 above. In summary the amendments made to the Plans and Sections are as follows:-

- Sheet 1, Location Plan – Amended to show a revised area for the location of works taking account of the removal of the reclaimed area (former Work No.1) from the amended draft HRO.

- Sheet 2, Plan:-

  - Removal of the previous plan depiction of the reclaimed area (former Work No.1) in consequence of the removal of former Work No.1 from the amended draft HRO;

  - Updated to account for former Work No. 2 being re-numbered as Work No.1 and to show a revised plan depiction of the refined scope of Work No.1 which now comprises the provision of a floating linkspan bridge and pontoon extending from the existing approach structure, including a supporting piled bankseat, and supporting

pontoon guide piles with the installation of scour protection works; and

- Revisions to the Limits of Deviation to reflect the draft amended HRO now only seeking to authorise one and not two principal works. The Limits of Deviation have also been revised so to remove the existing slipway from the Limits of Deviation as the existing slipway is now being retained as confirmed on the revised Plans. Previously this slipway was identified on the Plans as subject to demolition and so was within the Limits of Deviation.

- Sheet 3, Sections:-

  - Removal of the previous section depiction of the reclaimed area (former Work No.1) in consequence of the removal of former Work No.1 from the amended draft HRO; and

  - Updated to account for former Work No. 2 being re-numbered as Work No.1 and to show a revised section depiction of the refined scope of Work No.1 which now comprises the provision of a floating linkspan bridge and pontoon extending from the existing approach structure, including a supporting piled bankseat, and supporting pontoon guide piles with the installation of scour protection works.

Amended ES and non-technical summary of the ES

6.13 To reflect the Amended HRO Application now seeking consent for the refined project scope as described in paragraph 6.9 above an amended ES and non-technical summary of the ES have been submitted to report on an updated Environmental Impact Assessment that has been undertaken for the refined project scope.

Dated: 12 May 2025
Updated 24 April 2026

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APPENDIX 1

SCHEDULE 2 TO THE 1964 ACT

OBJECT FOR WHOSE ACHIEVEMENT HARBOUR REVISION ORDER MAY BE MADE

1 Reconstituting the harbour authority by whom the harbour is being improved, maintained or managed or altering their constitution, or establishing, as the harbour authority, in lieu of the existing one, an existing body designated in that behalf or a body constituted for the purpose.

2 Regulating (in whole or to a less extent) the procedure of, or of any committee, of, the authority and fixing the quorum at a meeting of, or of any committee of, the authority.

3 Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of—

(a) improving, maintaining or managing the harbour;

(b) marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or

(c) regulating the carrying [on by others of activities relating to the harbour or of] activities on harbour land.

4 Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above.

5 Transferring from the authority to another or to the authority from another all or any of the property vested in, as the case may be, the authority or that other and held for the purposes of the harbour and, so far as they relate to the transferred property, all or any of the duties and powers imposed and conferred on, as the case may be, the authority or that other by a statutory provision of local application affecting the harbour.

6 Settling (either for all purposes or for limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled.

7 Conferring on the authority power to acquire (whether by agreement or compulsorily) land described in the order, being land required by them for the purpose of its being used as the site of works that they have, or will by virtue of the order have, power to execute or for some other purpose of the harbour.

7A Extinguishing or diverting public rights of way over footpaths or bridleways, bridleways or restricted byways for the purposes of works described in the order or works ancillary to such works.

7B Extinguishing public rights of navigation for the purposes of works described in the order or works ancillary to such works, or permitting interference with the

enjoyment of such rights for the purposes of such works or for the purposes of works carried out by a person authorised by the authority to carry them out.

8 Authorising justices of the peace to appoint, on the nomination of the authority, persons to act as constables within any limits within which the authority have jurisdiction in relation to the harbour and within one mile outside any such limits, and to dismiss persons appointed by virtue of this paragraph, and conferring on persons so appointed, while acting within any such limits as aforesaid or within one mile outside any such limits, the powers which a constable has within his constablewick.

8A Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour.

9 Empowering the authority to dispose of property vested in them and held for the purposes of the harbour which is no longer required for those purposes.

9A Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land.

9B Empowering the authority to delegate the performance of any of the functions of the authority except—

(a) a duty imposed on the authority by or under any enactment;

(b) the making of byelaws;

(c) the levying of ship, passenger and goods dues;

(d) the appointment of harbour, dock and pier masters;

(e) the nomination of persons to act as constables;

(f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and sea-marks, so far as those functions are exercisable for the purposes of the safety of navigation.

10 Empowering the authority to borrow money, with or without limitation with respect to the amount that may be borrowed or the time or manner in which the power may be exercised.

11 Empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than as aforesaid) levied by them at the harbour.

12 Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.

13 Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.

14 Varying or extinguishing any exemption from charges levied by the authority at the harbour or any other right or privilege enjoyed thereat.

15 Securing the welfare of the authority's officers and servants and empowering the authority to provide, or secure the provision of, pensions, gratuities and other like benefits for or in respect of their officers and servants.

16 Extending the time within which anything is required or authorised by a statutory provision of local application affecting the harbour to be done in relation to the harbour by the authority or fixing a time within which anything authorised by the order to be so done must be done.

16A Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features.

17 Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour.

APPENDIX 2

PURPOSE AND EFFECT NOTES

TABLE OF PROVISIONS IN HRO AND JUSTIFICATION FOR INCLUSION

UPDATED 24 APRIL 2026 TO CONFIRM REQUIREMENTS FOR AMENDMENTS CONTAINED IN THE AMENDED HRO AS SUBMITTED WITH THE AMENDED HRO APPLICATION

NOTE: The text shown in red below represents the updated dated 24 April 2026

ARTICLE IN HRO & ARTICLE NUMBERING AMENDMENTS (WHERE RELEVANT)	***SUMMARY OF PROVISION & SUMMARY OF AMENDMENTS MADE (WHERE RELEVANT)***	***PRECEDENT***	***RELEVANT PROVISION OF THE 1964 ACT OR OTHER AUTHORISING PROVISION***	***REQUIREMENT FOR PROVISION & REQUIREMENT FOR AMENDMENTS OR CONFIRMATION NO AMENDMENTS MADE***
Articles 3 (Power to construct works), 4 (Power to deviate) and 5 (Subsidiary works)	**Article 3(1)** authorises FRRHCo to construct the principal work~~s~~ being ~~the area of reclamation (Work No.1) and~~ the new linkspan (Work No.1~~2~~). The work~~s~~ is ~~are~~ described in article 3 as follows – ~~*Work No. 1 – The reclamation and infilling of an area of the seabed of the harbour and the levelling of that area together with the levelling of the adjoining land to form an area of 2150 square metres forming hardstanding and providing access to Work No.2 having rock armoured revetted slopes on the seaward side, the location of*~~	Articles 3, 4 and 5 are well precedented provisions in HROs authorising the construction of works – see for example articles 3 (power to construct works), 4 (power to deviate) and	Paragraphs 4 and 7B of Schedule 2	The need and justification for these provisions is given in paragraphs 5.1 to 5.3 of the Statement The need and justification for the amendments shown is given in paragraphs 6.2 to 6.8 of the Statement. The description of former Work No.1 in Article 3(1) has been deleted as the area of reclamation previously identified as comprising former Work No.1 is not required. Article 3(1) has been updated to account for former Work No. 2 being

ARTICLE IN HRO & ARTICLE NUMBERING AMENDMENTS (WHERE RELEVANT)	***SUMMARY OF PROVISION & SUMMARY OF AMENDMENTS MADE (WHERE RELEVANT)***	***PRECEDENT***	***RELEVANT PROVISION OF THE 1964 ACT OR OTHER AUTHORISING PROVISION***	***REQUIREMENT FOR PROVISION & REQUIREMENT FOR AMENDMENTS OR CONFIRMATION NO AMENDMENTS MADE***
	~~*which is shown on sheets 1 and 2 and a section of which is shown on sheet 3.*~~ ~~*Work No. 2 – A floating linkspan pontoon, to provide access to and from vessels, the centreline of which extends from the reclaimed area comprising Work No. 1 at a point at 52° 0′ 33.10″ N, 004° 59′ 10.74″ W, proceeds in a north-easterly direction to the face of the existing linkspan (to be demolished) and terminates at a point at 52° 0′ 35.63″ N, 004° 59′ 9.18″ W and includes a supporting piled bankseat and supporting guide pile structure, the location of which is shown on sheets 1 and 2 and a section of which is shown on sheet 3.*~~ *Work No.1 - A floating linkspan bridge and pontoon, to provide access to and egress from vessels, the centreline of which extends from the existing approach structure at a point at 52° 00′ 34.00″ N, 004° 59′ 10.54″ W, proceeds in a north-easterly direction and terminates at a point at 52° 00′ 35.98″ N, 004° 59′ 9.36″ W and includes a supporting piled bankseat, and supporting pontoon guide piles,*	5 (subsidiary works) of the Holyhead Harbour Revision Order 2023.		re-numbered as Work No.1 with the description of that work being amended to reflect it now comprising the provision of a floating linkspan bridge and pontoon extending from the existing approach structure, including a supporting piled bankseat, and supporting pontoon guide piles with the installation of scour protection works. Article 3(2) has been amended and former article 3(3) has been deleted to remove provisions which related to the construction of works associated with the construction of a reclaimed area of land (former Work No.1). Articles 4 and 5 are subject to minor consequential amendments which are required to reflect Article 3(1) now only seeking to authorise one and not two principal works.

ARTICLE IN HRO & ARTICLE NUMBERING AMENDMENTS (WHERE RELEVANT)	***SUMMARY OF PROVISION & SUMMARY OF AMENDMENTS MADE (WHERE RELEVANT)***	***PRECEDENT***	***RELEVANT PROVISION OF THE 1964 ACT OR OTHER AUTHORISING PROVISION***	***REQUIREMENT FOR PROVISION & REQUIREMENT FOR AMENDMENTS OR CONFIRMATION NO AMENDMENTS MADE***
	the location of which is shown on sheets 1 and 2 and a section of which is shown on sheet 3. Work No. 1 includes the installation of scour protection placed on the seabed within the area shown on Sheet No. 2. **Article 3(1)** provides for the work~~s~~ to be constructed in accordance with the plans and sections accompanying the application for the HRO but this is subject to the horizontal and vertical limits of deviation provided by article 4 of the HRO (see below). **Article 3(2)** authorises the FRRHCo to demolish structures and apparatus lying within the limits of deviation. ~~and enclose and reclaim so much of the bed of the harbour as lies within those limits and to hold and use the reclaimed area as part of the undertaking of the Company. Any reclaimed area is to be deemed to be operational land for the purposes of the Town and Country Planning Act 1990.~~ ~~**Article 3(3)** specifically authorises the demolition and removal of the~~			

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	~~existing linkspan structure and open piled concrete deck which forms the approach to it.~~ **Article 3(34)** empowers FRHHCo to reconstruct etc. and maintain the work~~s~~ authorised to be constructed under paragraph (1). **Article 4** provides some flexibility in the construction of the work~~s~~ and enables them to deviate from the lines or situations shown on the plans accompanying the application for the HRO within the limits of deviation also shown on the plans. Vertically, deviation is permitted 3 metres upwards and to such extent downwards as may necessary or convenient from the levels shown for the work~~s~~ on the sections accompanying the application for the HRO. **Article 5** authorises FRHHCo to construct subsidiary works within the limits of deviation of the principal work~~s~~ shown on the plans accompanying the HRO.			

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Article 6 (Power to dredge)	Article 6(1) authorises FRHHCo to deepen, dredge, etc. the bed, shores and channels of the sea as lie within the limits of the harbour for the purposes of constructing and maintaining the works and affording access to the works by vessels.	Holyhead Harbour Revision Order 2023, article 6.	Paragraphs 3 and 4 of Schedule 2	Provides statutory authority to carry out any necessary dredging required in connection with the construction and maintenance of the works. No amendments made.
Article 7 (Obstruction of works)	Article 7 provides for it to be an offence for a person to obstruct the construction of the works.	Holyhead Harbour Revision Order 2023, article 7	Section 14(6) and paragraph 17 of Schedule 2	Provides a remedy within the Order should a person attempt to prevent the lawful construction of the works authorised by the Order. The maximum penalty to be applied to the offence to be created by this provision is a fine not exceeding level 3 on the standard scale. This being the same maximum penalty imposed for the equivalent offence in Article 7 of the Holyhead Harbour Revision Order 2023. The offence created by this provision would only relate to actions by third parties. No amendments made.
Article 8 (Survey of tidal works)	Article 8 provides that the Welsh Ministers may order a survey and examination of a tidal work or a site	Holyhead Harbour Revision	Section 14(6) and paragraph 17 of Schedule 2	This is a usual provision which is expected to be included in HROs authorising tidal works. It provides the Welsh Minsters with a degree of

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	upon which it is proposed to construct the work.	Order 2023, article 8		control over how the works are carried out after the Order is granted. No amendments made.
Article 9 (Provision against danger to navigation)	Article 9 makes provision in the case of injury to, or destruction or decay of, a tidal work and requires the Company to notify Trinity House in such circumstances which may direct the Company take steps for preventing danger to navigation. The provision makes it an offence in the case of a failure to comply with the provision.	Holyhead Harbour Revision Order 2023, article 9	Section 14(6) and paragraph 17 of Schedule 2	This is a usual provision which is expected to be included in HROs authorising tidal works. It confers specific powers on Trinity House ensuring the continued safety of navigation in relation to the works should they be damaged or fall into decay and creates an offence should the Company fail to comply with the provisions of this article. If the Company commits an offence under this provision the penalty to be applied is on summary conviction a fine not exceeding the statutory maximum or on conviction on indictment a fine. No amendments made.
Article 10 (Abatement of works abandoned or decayed)	Article 10(1) makes provision in a case where a tidal work is abandoned or falls into decay and provides that the Welsh Ministers may require the Company at its own expense either to	Holyhead Harbour Revision Order 2023, article 10	Section 14(6) and paragraph 17 of Schedule 2	This is a usual provision which is expected to be included in HROs authorising tidal works. It confers specific powers on the Welsh Ministers for the removal of the works should

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	repair and restore the work or remove it and restore the site Article 10(2) also makes similar provision in the case of a work consisting partly of a tidal work and partly of works on or over land above the level of high water Article 10(3) makes provision for the Welsh Ministers to execute the works and to recover any expenditure incurred in doing so.			they be abandoned or fall into decay ensuring the continued safety of navigation. No amendments made.
Article 11 (Lights on tidal works during construction)	Article 11 requires the Company to exhibit lights and take such other steps for the prevention of danger to navigation in relation to the works as Trinity House may direct. If the Company fails to comply with a direction it is guilty of an offence.	Holyhead Harbour Revision Order 2023, article 11	Section 14(6) and paragraph 17 of Schedule 2	This is a usual provision which is expected to be included in HROs authorising tidal works. It confers specific powers on Trinity House to ensure the safety of navigation during the construction of the works and creates an offence should the Company fail to comply with the provisions of this article. No amendments made.
Article 12 (Permanent lights on tidal works)	Article 12 requires the Company to exhibit lights and take such other steps for the prevention of danger to	Holyhead Harbour Revision	Section 14(6) and paragraph 17 of Schedule 2	This is a usual provision which is expected to be included in HROs authorising tidal works. It confers specific powers on Trinity House to

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	navigation as Trinity House may direct after the works are completed. If the Company fails to comply with a direction it is guilty of an offence.	Order 2023, article 12		ensure the safety of navigation after the works have been constructed and creates an offence should the Company fail to comply with the provisions of this article. If the Company commits an offence under this provision the penalty to be applied is on summary conviction a fine not exceeding the statutory maximum or on conviction on indictment a fine.
Article 13 (Period for completion of works)	Article 13 requires the work~~s~~ to be substantially completed within ten years from the coming into force of the HRO or such extended time as the Welsh Ministers may on the application of the Company allow.	Holyhead Harbour Revision Order 2023, article 13	Paragraph 16	This is a usual provision included in HRO's to ensure that the power to construct works are not 'open ended' and will expire if the works are not completed within a reasonable period of time (or such extended period of time as the Welsh Ministers may grant). Article 13 is subject to minor consequential amendments which are required to reflect Article 3(1) now only seeking to authorise one and not two principal works.

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Article 14 (Works to be deemed to be part of harbour)	Article 14 provides for that the works authorised under the HRO are to be deemed for all purposes to be part of Fishguard harbour (which is defined in article 2 of the Order as the harbour 'as described in section 3 of the Fishguard and Rosslare Railways and Harbours Act 1914 and including any works which are deemed to form part of the harbour by any subsequent enactment').	Holyhead Harbour Revision Order 2023, article 14	Section 14(6) and paragraph 17 of Schedule 2	This provision ensures that the works authorised under the HRO form part of the harbour and the provisions that currently apply to the harbour apply to the works. No amendments made.
Article 15 (Works to be within area of Pembrokeshire Council)	Article 15 provides for the works to within the area of the Pembrokeshire Council.	Holyhead Harbour Revision Order 2023, article 15	Section 14(6) and paragraph 17 of Schedule 2	This provision is required to bring the works that are beyond mean water within the jurisdiction of the relevant local authority.
~~Article 16 (Status of reclaimed land)~~	~~Article 16 provides for the reclaimed land forming part of Work No.1 to be deemed to be operational land for the purposes of the Town and Country Planning Act 1990.~~	~~Loch Ryan Port (Harbour Empowerment) Order 2009, article 16(a). See also Article 8 of the Dover Harbour~~	~~Section 14(6) and paragraph 17 of Schedule 2~~	~~This provision is required to ensure that the reclaimed land is operational land for the purposes of the Town and Country Planning Act 1990.~~ Article 16 has been deleted as a provision to confirm the status of the reclaimed land is no longer required in consequence of Article 3(1) being amended to remove the construction

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		~~Revision Order 2012~~		of a reclaimed area of land (former Work No.1).
Article 1~~6~~7 (Agreements between the Company and Stena Line Ports Limited)	Article 1~~6~~7 enables FRHHCo and Stena Line Ports Limited to enter into agreements for the purposes of the construction, ownership, maintenance and operation of the works authorised under the Order	This is a special provision which is required in view of the particular circumstances in this case	Section 14(6) and paragraph 17 of Schedule 2	The relationship between FRHHCo (the statutory harbour authority for Fishguard harbour and the applicant for the HRO) and Stena Line Ports Limited is explained in paragraph 3 of this Statement. This provision ensures that Stena can, by agreement with FRHHCo, assume responsibility for the construction, ownership, operation and maintenance of the new linkspan which is intended for use by the ferries operated by Stena. Amended to re-number the article in consequence of deletion of former Article 16.
Article 1~~7~~8 (Defence of due diligence)	Article 1~~7~~8 provides for it to be a defence in any proceedings for an offence under articles 10, 12 and 13 for FRHHCo to prove that it took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.	Holyhead Harbour Revision Order 2023, article 22	Section 14(6) and paragraph 17 of Schedule 2	This provision provides a defence to the offences under the HRO in terms usually included in HROs authorising works. Amended to re-number the article in consequence of deletion of former Article 16.

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Article 1~~8~~9 (Saving for Trinity House)	Article 1~~8~~9 provides for the protection of the interests of Trinity House.	Holyhead Harbour Revision Order 2023, article 23	Section 14(6) and paragraph 17 of Schedule 2	This is a usual provision included in HROs authorising works to provide appropriate protection for the interests Trinity House. Amended to re-number the article in consequence of deletion of former Article 16. In addition, minor drafting amendments have been made to update the article to reflect Trinity House's preferred formulation for this provision, see Ports of Fleetwood and Silloth (Transfer of Undertaking) Harbour Revision Order 2026, article 14.
Article 19~~20~~ (Crown rights)	Article 19~~20~~ makes provision for the protection of Crown interest..	Holyhead Harbour Revision Order 2023, article 24	Section 14(6) and paragraph 17 of Schedule 2	This is a usual provision included in HROs authorising works to provide a saving for Crown interests. Amended to re-number the article in consequence of deletion of former Article 16.

12 May 2025 – Updated 24 April 2026

WELSH GOVERNMENT

HARBOURS ACT 1964 (AS AMENDED)

PROPOSED FISHGUARD HARBOUR REVISION ORDER 202[X]

STATEMENT IN SUPPORT OF APPLICATION FOR ORDER BY THE FISHGUARD AND ROSSLARE RAILWAYS AND HARBOURS COMPANY

UPDATED 24 APRIL 2026 REGARDING AMENDMENTS TO THE APPLICATION (NEW SECTION 6 AND AMENDMENTS TO APPENDIX 2 ADDED)

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