



Norfolk and Suffolk Broads Act 1988

1988 CHAPTER 4

PART II

NAVIGATION

11 Licences required for construction of works.

- (1) No person shall construct, alter, renew or extend any works, or undertake any dredging, within or adjacent to the navigation area, unless—
 - (a) neither the work in question nor the manner in which it is carried out will interfere with navigation in any part of the navigation area or of the Haven or be likely to do so; or
 - (b) that person—
 - (i) holds a licence under this section authorising the work (a “works licence”);
 - (ii) complies with the conditions (if any) attached to the works licence; and
 - (iii) carries out the work in accordance with the approved plans, sections and particulars.
- (2) On an application duly made to it in accordance with the requirements of this section, the Authority may grant a works licence subject to such conditions (if any) as it considers appropriate.
- (3) Where the Authority refuses to grant a works licence which has been duly applied for it shall give reasons (in writing) for its refusal.
- (4) Where the Authority grants a works licence subject to any condition it shall give reasons (in writing) for imposing the condition.
- (5) Any applicant for a works licence aggrieved by—
 - (a) the Authority’s refusal to grant the licence applied for;
 - (b) any condition subject to which the licence is granted; or

Changes to legislation: Norfolk and Suffolk Broads Act 1988, Section 11 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) any modification required by the Authority in the plans, sections and particulars submitted by the applicant;
- may refer the matter for determination by a person appointed for the purpose by agreement between the Authority and the applicant or, failing such agreement, by the Secretary of State; and on any such reference the person so appointed may confirm the decision of the Authority or give the Authority such directions as he thinks appropriate.
- (6) No matter may be referred for determination under subsection (5) above unless the applicant has given the Authority written notice of his intention to do so.
- (7) That notice must be given before the end of the period of 28 days beginning with the date on which the refusal, or other decision, in question was made.
- (8) Subsection (1) above does not apply in relation to—
- (a) the renewal of any works in existence immediately before the operative date; or
 - (b) any works of a statutory undertaker;
- but in carrying out any work within the navigation area a statutory undertaker shall comply with any reasonable direction given by the Authority for the purpose of protecting navigation within the navigation area or the Haven.
- (9) An application for a works licence shall be made to the Authority in writing and shall be accompanied by the appropriate plans, sections and particulars.
- (10) The Authority may, before granting an application for a works licence, require modifications to be made to the plans, sections or particulars submitted by the applicant.
- (11) Where an application for a works licence has been duly made and within three months of the date of the application the Authority has neither refused the application nor granted the licence applied for, the application shall be deemed to have been refused.
- (12) The Authority may require an applicant for a works licence, on making his application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application; and different fees may be specified in relation to different cases or classes of case.
- [^{F1}(13) Before determining any application for a works licence the granting of which would significantly affect the use or enjoyment of the whole or any part of the navigation area, the Authority shall consult the Navigation Committee.]
- (14) Not less than 28 days before determining any application for a works licence in respect of works which the Authority considers might interfere with the navigation of seagoing freight shipping, the Authority shall give notice of the application to—
- (a) the General Council of British Shipping (or such other body as appears to the Authority to represent nationally the interests of such shipping); and
 - (b) the Commissioners.
- (15) In this section “the approved plans, sections and particulars” means the plans, sections and particulars approved in connection with the application in question.

Changes to legislation: Norfolk and Suffolk Broads Act 1988, Section 11 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

- F1** S. 11(13) substituted (2.7.2009) by [Broads Authority Act 2009 \(c. i\)](#), [Sch. 7 para. 6](#) (with [ss. 2\(3\)](#), [3\(1\)](#), [16\(3\)](#), [42](#), [Sch. 6 Pts. 2, 3](#))

Changes to legislation:

Norfolk and Suffolk Broads Act 1988, Section 11 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(8A) inserted by [2008 c. 29 s. 224\(2\)\(b\)](#)