
STATUTORY INSTRUMENTS

2023 No. 690

**The Dee Estuary Conservancy
Harbour Revision (No. 2) Order 2023**

PART 4

CONTROL OF WORKS AND DREDGING IN ESTUARY

Licensing of works

28.—(1) The conservancy authority may upon such terms and conditions as it thinks fit grant to any person a licence to construct, place, alter, renew or maintain works in the estuary on, under or over tidal waters or land below the level of high water, notwithstanding any interference with public rights of navigation or other public rights by such works as constructed, placed, altered, renewed, or maintained.

(2) Application for a works licence must be made in writing to the conservancy authority and must—

- (a) be accompanied by plans, sections and particulars of the works to which the application relates;
- (b) specify whether the applicant holds such rights in, under or over land as are necessary to enable them to enjoy the benefits of the licence and, if not, the action taken or to be taken to enable the applicant to obtain such rights if the licence is granted.

(3) In granting a licence, the conservancy authority may require modifications to be made to the plans, sections and particulars submitted to it by the applicant.

(4) The conservancy authority may require an applicant for a works licence, on making the application for it, to pay a reasonable fee in respect of the administrative expenses of dealing with the application.

(5) As a condition of the granting of a licence, the conservancy authority may require a licensee, being an applicant to whom a licence has been granted or the applicant's successor, where works are constructed pursuant to the licence, to pay a reasonable fee in respect of the authority's administrative expenses and overheads in supervising or inspecting, where necessary, the construction or maintenance of the works.

(6) If the conservancy authority decides to grant a works licence it must give notice of its decision to the applicant.

(7) Where the conservancy authority refuses to grant a works licence which has been applied for it must give reasons in writing for its refusal.

(8) Where the conservancy authority—

- (a) grants a works licence upon terms or conditions, or
- (b) requires any modification in the plans and particulars,

it must give reasons in writing for the terms and conditions imposed or the modifications required.

(9) If within three months from the date of making an application under paragraph (2) the conservancy authority does not notify to the applicant its decision whether to grant a works licence, it must be deemed to have refused the application.

(10) Articles 31 to 35 apply in relation to the holder of a works licence with respect to the works which are authorised by the licence as they do in relation to the conservancy authority with respect to tidal works, with the modification that for all references in those articles to the conservancy authority or authority, as the case may be, there are substituted references to the holder of the works licence.

(11) The grant of a licence under this article has effect for the purposes of article 26 (restriction of works and dredging) and confers no other authority for the carrying out of the operations covered by the licence.

(12) In the carrying out of any works or operations under a works licence, the holder of the licence must not—

- (a) interfere with, damage or otherwise injuriously affect, any apparatus belonging to or maintained by any statutory undertaker; or
- (b) do anything which will obstruct or impede any work relating to the inspection or repair of any such apparatus,

without the consent of the statutory undertaker concerned.