
WELSH STATUTORY INSTRUMENTS

2011 No. 1565

The Saundersfoot Harbour Empowerment Order 2011

PART 6

CONTROL OF WORKS AND DREDGING

Licensing of works

43.—(1) The Commissioners may upon such terms and conditions as they think fit grant to any person a licence to construct, place, alter, renew or maintain works in the harbour 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 Commissioners 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 the applicant 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 Commissioners may require modifications in the plans, sections and particulars submitted to them by the applicant.

(4) The Commissioners may require an applicant for a works licence, on making an application, 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 Commissioners may require a licensee, being an applicant to whom a licence has been granted or his or her successor, where works are constructed pursuant to the licence, to pay such reasonable fees in respect of the Commissioners' administrative expenses and overheads in supervising or inspecting where necessary the construction or maintenance of the works.

(6) If the Commissioners decide to grant a works licence they must give notice of their decision to the applicant.

(7) Where the Commissioners refuse to grant a works licence which has been applied for they must give reasons in writing for their refusal.

(8) Where the Commissioners grant a works licence upon terms or conditions or require any modification in the plans and particulars, they 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) (or such longer period as may be agreed between the applicant and the Commissioners) the Commissioners do not notify to the applicant of their decision whether to grant a works licence, they will be deemed to have refused the application.

(10) Articles 46 to 51 of this Order apply in relation to the holder of a works licence as respects the works which are authorised by the licence as they do in relation to the Commissioners as respects

tidal works with all references to the Commissioners being substituted by references to the holder of the works licence.

(11) The grant of a licence under this article has effect for the purposes of article 41 and confers no other authority for the carrying out of the operations covered by the licence.

(12) In the carrying out of operations in pursuance of 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.