
STATUTORY INSTRUMENTS

1999 No. 3444

The Workington Harbour Revision Order 1999

Licensing of dredging

12.—(1) The Council may, upon such terms and conditions as they think fit, grant to any person, a licence to deepen, dredge, scour, cleanse, alter or improve the bed, foreshore and channels of the harbour.

(2) Application for a dredging licence shall be made in writing to the Council and shall be accompanied by plans, sections and particulars defining the nature, extent and manner of the operation to be carried out in pursuance of the licence, and, in granting any such licence, the Council may require modifications in the plans, sections and particulars so submitted.

(3) The Council may require an applicant for a dredging licence, on making his application, to pay a reasonable charge in respect of the administrative expenses of dealing with the application, and different charges may be required to be paid in relation to different cases or classes of case.

- (a) (4) (a) On receipt of an application for a dredging licence the Council shall serve on the Environment Agency a copy of the application and all plans, sections and particulars incidental thereto.
- (b) The Council shall consider such observations as the Environment Agency may submit to the Council within six weeks after service on the Environment Agency of the application and particulars as aforesaid, and shall not grant a dredging licence before the expiry of that period.
- (c) In granting any dredging licence in response to such an application the Council shall impose on the applicant such terms and conditions as give effect to such reasonable requirements to prevent pollution of any watercourse, to safeguard it against damage or to secure that its efficiency for land drainage purposes is not impaired, as the Environment Agency may, within the said period, make in any observations to the Council.
- (d) The provisions of sub-paragraph (c) above are subject to the Council's duty under article 13(5) of this Order to give effect to any decision or requirement given or made by the Secretary of State under article 13(4) of this Order.

(5) Where the Council refuse to grant a dredging licence which has been applied for they shall give reasons in writing for the refusal.

(6) Where the Council grant a dredging licence upon terms and conditions or require any modifications in the plans and particulars, they shall give reasons in writing for the terms and conditions imposed or the modifications required.

(7) In the carrying out of operations in pursuance of a dredging licence, the holder of the licence shall not—

- (a) interfere with, damage or otherwise injuriously affect any apparatus belonging to or maintained by a statutory undertaker;
- (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 person or body concerned.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) If within three months from the receipt of an application under paragraph (2) above the Council do not grant a dredging licence, they shall be deemed to have refused the application.

(9) Any materials (other than a wreck within the meaning of Part IX of the Merchant Shipping Act 1995⁽¹⁾) taken up or collected in pursuance of the licence shall be the property of the holder of the licence, who may, subject to paragraph 10 below—

- (a) use, remove, sell or otherwise dispose of; or
- (b) lay down or deposit the materials as they think fit.

(10) No such materials shall—

- (a) be disposed of in contravention of the provisions of any enactment relating to the keeping or disposal of waste; or
- (b) be laid down or deposited in any place below the level of high water except in such a position as may be approved by the Secretary of State and subject to such conditions or restrictions as he may impose.

⁽¹⁾ 1984 c. 60.