
STATUTORY INSTRUMENTS

2015 No. 1386

The Swansea Bay Tidal Generating Station Order 2015

PART 4

Supplemental powers

Discharge of water

13.—(1) Subject to Requirements **5** (Construction Environmental Management Plan), **6** (Adaptive Environmental Management Plan) and **11** (operational surface and foul water drainage), the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, operation or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) must be determined as if it were a dispute under section 106 of the Water Industry Act 1991(1) (right to communicate with public sewers).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs and the relevant drainage body(2); and such consent may be given subject to such terms and conditions as those persons may reasonably impose, but must not be unreasonably withheld.

(4) The undertaker must not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse.

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise any groundwater activity or water discharge activity within the meaning of the Environmental Permitting (England and Wales) Regulations 2010(3).

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain that belongs to Natural Resources Wales, an internal drainage board, a local authority or a sewerage undertaker(4);

(1) 1991 c. 56. Section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c. 37). There are other amendments to this section which are not relevant to this Order.

(2) “Drainage body” is defined in section 108 of the Water Resources Act 1991.

(3) S.I. 2010/675. “Groundwater activity” is defined in paragraph 3 of Schedule 22. “Water discharge activity” is defined in paragraph 3 of Schedule 21.

(4) “Sewerage undertaker” is defined in Schedule 1 to the Interpretation Act 1978 (c.30).

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

- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991⁽⁵⁾ have the same meaning as in that Act.

(5) 1991 c. 57. Amended by sections 100(1) and 120(1) of, paragraph 128 of Schedule 22 to, and Schedule 24 to the Environment Act 1995 (c. 25).