



# Avon Weir Act 1992

## 1992 CHAPTER v

### PART V

#### THE IMPOUNDED RIVER

#### **40 Works in impounded river**

- (1) Subject to the provisions of this Act, the Corporation may from time to time in or on the impounded river erect, construct and maintain, whether temporarily or permanently, all such works and conveniences as may be requisite or expedient for the purposes of, or in connection with, the development, management or control of the impounded river or any land abutting on the impounded river.
- (2) The powers of subsection (1) above may be exercised notwithstanding interference by such works as erected, constructed or maintained with such rights of navigation as are referred to in section 39 (Extinguishment of navigation, etc., rights in impounded river) and are not extinguished by that section.
- (3) Nothing in subsection (1) above authorises the Corporation to carry out works on any land without the consent of the owner of that land.
- (4) Subject to subsections (5) and (6) below the Corporation may, for the purposes of, or in connection with, the development, management or control of the impounded river or any land abutting on the impounded river, execute or do on any such land by agreement with the owner and occupier of such land, any of the works or things referred to in subsection (1) above and any works requisite or expedient for the purpose of providing or facilitating access to or from the said lands or for preserving the amenities thereof.
- (5) The works authorised by this section shall not be development which is permitted development for any purpose of Part 17 of Schedule 2 to the Town and Country Planning General Development Order 1988.
- (6) (a) The powers of this section shall not be exercised without the consent of the highway authority and the port authority which shall not be unreasonably withheld.

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*Status: This is the original version (as it was originally enacted).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

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- (b) The port authority shall not withhold consent for works in respect of which planning permission has been granted except for the purposes of—
  - (i) protecting the navigation in the impounded river or any adjoining waters of the port; or
  - (ii) preventing pollution or otherwise protecting the quality of water in the port.
- (c) Any difference as to the withholding of consent under this subsection (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.