

SCHEDULE 22

Groundwater activities

Notice in relation to a highway drain

11. A highway authority or other person entitled to keep open a highway drain by virtue of section 100 of the 1980 Act who operates a highway drain other than under and in accordance with an environmental permit is not guilty of an offence under regulation 38(1) unless—

- (a) the regulator has served a notice on that person under paragraph 10 of this Schedule; and
- (b) the notice has taken effect.