

## SCHEDULES

### SCHEDULE 7

#### PROTECTIVE PROVISIONS

##### PART VIII

###### FURTHER PROTECTION OF SOUTHERN WATER AUTHORITY

- 1 The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Concessionaires and the Southern Water Authority (in this Part referred to as "the Authority"), have effect for the further protection of the Authority.
- 2 If within six months from the passing of this Act the Authority notify the Concessionaires that they have decided to proceed with the construction of a public sewer and other works for the improvement of drainage sufficient to provide for the disposal of surface water from the terminal area at Cheriton, Folkestone and that it is their intention to complete the works within the period of three years thereafter, the Concessionaires shall not, so long as the Authority proceed with the construction of those works in accordance with that intention, construct the drainage lagoon (Work No. 16) and, on the completion of those works, the powers of this Act for the construction of the lagoon shall cease to have effect.
- 3 Any right of the Concessionaires under section 34 of the Public Health Act 1936 to drain surface water from the terminal area to any public sewer other than the public sewer mentioned in paragraph 2 above shall not be exercisable except with the written consent of the drainage authority.
- 4
  - (1) Not less than 56 days before beginning to construct the drainage lagoon or other drainage works for the terminal area the Concessionaires shall submit to the Authority a description of the terminal area together with plans and full particulars of the drainage lagoon or such other drainage works or, as the case may be, both the lagoon and such other drainage works as they may propose for or in connection with the discharge of surface water.
  - (2) The said works shall not be constructed except in accordance with a specification and plans approved by the Authority or settled by arbitration and in accordance with any reasonable requirements made by the Authority for the protection from pollution of any watercourse or underground strata.
  - (3) The requirements which the Authority may make under sub-paragraph (2) above include the construction of such works by and at the expense of the Concessionaires as are reasonably necessary for the interception, treatment and disposal of any poisonous, noxious or polluting matter contained in the run-off from the terminal area.
  - (4) If within a period of 28 days after the submission of the specification and any plans under sub-paragraph (1) above the Authority do not inform the Concessionaires in

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*Status: This is the original version (as it was originally enacted).*

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writing that they disapprove of those plans, stating the grounds of their disapproval, they shall be treated for the purposes of this paragraph as having approved them.

- 5 The drainage lagoon and other works constructed by the Concessionaires for or in connection with the discharge of surface water from the terminal area shall be constructed, maintained and operated by the Concessionaires to the reasonable satisfaction of the Authority and the Authority shall be entitled by their officer to watch and inspect the same.
- 6 Not less than six months before commencing the construction of Works Nos. 3 and 4 and any underground ancillary works associated with those works, the Concessionaires shall, subject to any necessary consents, construct such number of observation boreholes in such positions and equipped with such monitoring equipment as the Authority may reasonably require for the purpose of monitoring the effect of any of those works on groundwater.
- 7 Except as otherwise agreed in writing by the Authority, the Concessionaires shall not construct buildings on, or raise the level of the surface of the ground within, so much of the site of the inland clearance depot as is within the area designated by the Authority as the 100 year flood plain of the river East Stour without providing equivalent compensatory flood storage capacity elsewhere.
- 8 Except as provided in paragraph 3 above, nothing in this Part of this Schedule shall prejudice or affect the provisions of any other enactment in their application to the Concessionaires and the Authority.
- 9 Any difference arising between the Concessionaires and the Authority under this Part of this Schedule shall be determined by arbitration.