

SCHEDULES

SCHEDULE 3

REQUIREMENTS OF DEEMED IMPOUNDMENT LICENCE

Fish

- 4 (1) The licence shall be taken to require—
- (a) that at all times during the construction of the barrage the Development Corporation maintain a channel sufficient for the passage of migratory fish to and from the inland bay in which, except where circumstances beyond their control prevent it, the flow of water is not less than the relevant minimum flow,
 - (b) that, except where circumstances beyond their control prevent it and except as may be otherwise agreed by the National Rivers Authority, at all times after completion of the barrage the Development Corporation maintain a flow of water through the fish passes in the barrage not less than the relevant minimum flow,
 - (c) that before the commencement of construction of the barrage the Development Corporation submit to the National Rivers Authority details of the steps which they have taken, or propose to take, to enable them to comply with paragraphs (a) and (b) above and that those steps have been approved by the National Rivers Authority as adequate for that purpose,
 - (d) that the fish passes be approved by the Secretary of State, and
 - (e) that the Development Corporation pay to the National Rivers Authority costs reasonably incurred by them—
 - (i) in formulating in consultation with the Development Corporation, and giving effect to, a programme for monitoring the effect on fish of the construction, and any alteration or replacement, of the barrage and of its operation, and
 - (i) in supervising the operation of the fish passes and of the sluices, gates and other parts of the barrage in securing the passage of migratory fish.
- (2) For the purposes of sub-paragraph (1) above the relevant minimum flow of water is a flow not less than that for which the fish passes in the barrage are designed or adapted.
- (3) Where an approval for the purposes of the requirement in sub-paragraph (1)(d) above is given (by reference to the design of the fish passes) before the time when the barrage is completed, the approval may be withdrawn if it appears to the Secretary of State during such period beginning with that time as he considers appropriate for monitoring the operation of the fish passes that their operation is unsatisfactory.