

SCHEDULES

SCHEDULE 2

WORKS

PART 1

FURTHER AND SUPPLEMENTARY PROVISIONS

Discharge of water

- 8 (1) The nominated undertaker may use any watercourse or any public sewer or drain for the drainage of water for the purposes of or in connection with the construction or maintenance of the works authorised by this Act and for that purpose—
- (a) may lay down, take up and alter pipes, and
 - (b) on any land within the Act limits, may make connections with the watercourse, sewer or drain.
- (2) The nominated undertaker must not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.
- (3) The nominated 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, such approval not to be unreasonably withheld; and
 - (b) where that person has been given the opportunity to supervise the making of the opening.
- (4) The nominated undertaker must not, in the exercise of the powers under this paragraph, damage or interfere with the beds or banks of any watercourse forming part of a main river.
- (5) The nominated undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers under this paragraph is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (6) Nothing in this paragraph overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154).
- (7) Any dispute as to the giving of consent under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.

Status: This is the original version (as it was originally enacted).

(8) In this paragraph—

- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, the Homes and Communities Agency, an internal drainage board, a local authority, a joint planning board, an urban development corporation or a harbour authority within the meaning of the Harbours Act 1964;
- (b) “watercourse” includes rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except a public sewer or drain;
- (c) other expressions used both in this paragraph and in the Water Resources Act 1991 have the same meanings as in that Act.