

## SCHEDULES

### SCHEDULE 10

#### PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

*For protection of Environment Agency*

7.—(1) For the protection of the Environment Agency (in this paragraph referred to as “the Agency”) the following provisions shall, unless otherwise agreed in writing between the undertaker and the Agency, have effect.

- (a) (2) (a) Before carrying out under the powers of this Order—
- (i) any operation on the banks of any watercourse;
  - (ii) the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991(1); or
  - (iii) the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in or through any land within the limits of deviation or the further limits;

the undertaker shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out any such operation or work otherwise than in accordance with such plans as are approved.

- (b) The approval of plans furnished under this sub-paragraph shall not be unreasonably withheld and if, within 2 months of such plans being supplied to the Agency, the Agency does not indicate in writing its disapproval and the grounds of its disapproval, it shall be deemed to have approved the plans as supplied.
- (c) For the purposes of this sub-paragraph, “banks” has the meaning given by section 72 of the Land Drainage Act 1991(2) and “plans” includes sections, drawings, specifications, calculations and descriptions.
- (a) (3) (a) Any culvert or any structure designed to contain or divert the flow of any watercourse being a culvert or structure situated within any land within the limits of deviation or the further limits, whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the undertaker in good repair and condition and free from obstruction.
- (b) Nothing in this sub-paragraph shall have the effect of requiring the undertaker to carry out works of maintenance in respect of any culvert or structure which the Agency or other person is liable to maintain.

(4) If any operation or work is carried out in contravention of this paragraph the undertaker shall upon receiving notice from the Agency take such action as may be necessary to remedy the effect of the contravention to the Agency’s reasonable satisfaction and in default the Agency may itself

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(1) 1991 c. 57.  
(2) 1991 c. 59.

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take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the undertaker as a debt due from it to the Agency.