

2009 No. 271

WATER RESOURCES, ENGLAND

The Flood Defence (Robertsbridge Works) Order 2009

Made - - - - *9th February 2009*

Coming into force - - *10th February 2009*

The Environment Agency (“the Agency”) proposes to carry out the engineering and building operations specified in this Order and has applied to the Secretary of State for Environment, Food and Rural Affairs (“the Secretary of State”) for the Order under section 168 of the Water Resources Act 1991(a).

The Agency has submitted a draft of the Order to the Secretary of State and has published the notices required by paragraph 1 of Schedule 19(b) to that Act, and has complied with the requirements of that paragraph relating to the content and manner of publication of the notices and, in relation to the notice published pursuant to paragraph 1(1)(b), service and display of copies of the notice.

The Secretary of State, having received no objections to the Order, makes the following Order under the powers conferred by that section and paragraph 3(1) of that Schedule in the terms of the draft order submitted.

Citation and commencement

1. This Order may be cited as the Flood Defence (Robertsbridge Works) Order 2009 and comes into force on 10th February 2009.

Interpretation

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984(c);

“the Agency” means the Environment Agency;

“the deposited plan” means the plan certified by the Secretary of State for Environment, Food and Rural Affairs for the purposes of this Order and deposited at the offices of the Agency at Guildbourne House, Chatsworth Road, Worthing, West Sussex BN11 1LD;

“the flood gates” means any of the flood gates referred to in article 3;

“High Street” means the public highway known as High Street shown on the deposited plan;

(a) 1991 c. 57; section 168 was amended by section 120 of, and paragraph 128 of Schedule 22 to, the Environment Act 1995 (c. 25). For the meaning of “the Ministers” in section 168, see section 221.

(b) Schedule 19 was amended by S.I. 2007/1519.

(c) 1984 c. 27.

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and cognate expressions are to be construed accordingly;

“Northbridge Street” means the public highway known as Northbridge Street shown on the deposited plan; and

“Station Road” means the public highway known as Station Road shown on the deposited plan.

Maintenance and operation of Robertsbridge Works

3. The Agency may maintain and operate, together with any necessary associated works, flood gates capable of being drawn across each of Northbridge Street, High Street and Station Road in Robertsbridge in East Sussex to seal parts of the town against floodwaters arising at any time from one or both of the River Rother and the Darwell Stream, as shown on the deposited plan.

Temporary stopping up and interference with streets during operation or maintenance of flood gates

4.—(1) The Agency may close the flood gates and in so doing obstruct one or more of the public rights of way on Northbridge Street, High Street and Station Road at any time and for such period as is necessary in the interests of flood defence or to maintain the flood gates.

(2) Without prejudice to the application of Chapter 2 of Part 2 (Abstraction and Impounding) of the Water Resources Act 1991 the Agency may by means of closing the flood gates intercept, divert or otherwise interfere with any flood water.

(3) The Agency must make reasonable efforts to provide at all times reasonable access for pedestrians going to or from premises in Northbridge Street, High Street or Station Road insofar as such access is affected by the exercise of the powers conferred by this article.

(4) The Agency must not, except in a case of urgency, exercise the powers of paragraph (1) without first consulting the highway authority.

(5) In exercising its powers under article 3 (maintenance and operation of Robertsbridge Works) and paragraph (1), the Agency must keep inconvenience and disruption to the public to the minimum possible consistent with the proper operation and maintenance of the flood gates in the interests of flood defence.

(6) In paragraph (4) above, “highways authority” has the same meaning as in the Highways Act 1980(a).

Traffic signs

5.—(1) The Agency may for the purposes of, or in connection with the operation of, the flood gates, place or maintain on Northbridge Street, High Street and Station Road and any street giving access to them, traffic signs of a type prescribed by regulations made under section 64(1)(a) of the 1984 Act or traffic signs of a description authorised by the Secretary of State under section 64(1)(b) of that Act.

(2) The Agency must—

- (a) consult with the traffic authority as to the placing of signs; and
- (b) subject to paragraph (3), enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.

(3) Paragraph (2)(b) only applies where the traffic authority is willing to enter into those arrangements and is subject to any directions given under section 65 of the 1984 Act.

(4) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority as to traffic signs includes a power to give directions to the Agency as to traffic signs under this

(a) 1980 c. 66.

article and powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(5) Any word or expression used both in this article and in the 1984 Act has the same meaning for the purposes of this article as it has in that Act.

9th February 2009

Chris De Grouchy
A Senior Civil Servant, for and on behalf of the
Secretary of State for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the Agency, to maintain and operate flood gates at Northbridge Street, High Street and Station Road in Robertsbridge, East Sussex, which, when in use, will obstruct the highway.

Copies of the deposited plan are available for inspection free of charge during working hours at the Environment Agency, Guildborne House, Chatsworth Road, Worthing, West Sussex BN11 1LD

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