

SCHEDULES

SCHEDULE 14

PROTECTIVE PROVISIONS

PART 5

FOR THE PROTECTION OF THE WAVENEY, LOWER YARE AND LOTHINGLAND INTERNAL DRAINAGE BOARD

39. The provisions of this Part of this Schedule have effect for the protection of the Board unless otherwise agreed in writing between the undertaker and the Board.

Commencement Information

I1 Sch. 14 para. 39 in force at 15.10.2020, see [art. 1](#)

40. In this Part of this Schedule—

“the Board” means the Waveney, Lower Yare and Lothingland Internal Drainage Board and any successor body;

“the outfall pipe” means the specified work comprising an outfall pipe, headwall and associated apparatus to be constructed in and adjoining the relevant watercourse known as Waveney Common Road 1 adjacent to Queen Anne's Road, subject to such amendments as the Board and the undertaker may agree;

“relevant asset” means any watercourse, adjoining bank, embankment or wall and any associated apparatus or structure, including sluices and water control appliances, which is for the time being belonging to or under the control of the Board;

“relevant watercourse” means a watercourse that is a relevant asset;

“specified work” means any part of the authorised development which affects a relevant asset;

“functions” includes powers and duties.

Commencement Information

I2 Sch. 14 para. 40 in force at 15.10.2020, see [art. 1](#)

41.—(1) The undertaker must notify the Board of the intended commencement and anticipated duration of any specified work.

(2) The notification given under sub-paragraph (1) must be given 14 working days prior to commencement of the relevant specified work.

(3) The requirements of sub-paragraphs (1) and (2) have effect in addition to any other requirement of this Part of this Schedule which must be complied with by the undertaker prior to the commencement of any specified work.

Commencement Information

I3 Sch. 14 para. 41 in force at 15.10.2020, see [art. 1](#)

42. The undertaker must permit any officer of the Board to inspect any specified work during its execution.

Commencement Information

I4 Sch. 14 para. 42 in force at 15.10.2020, see [art. 1](#)

43. In constructing and operating the outfall pipe, the undertaker must comply with the following requirements—

- (a) prior to constructing the outfall pipe, the undertaker must obtain the approval of the Board to a maximum rate of discharge of surface water through the outfall pipe;
- (b) the undertaker must ensure that the approved maximum rate of discharge is not exceeded;
- (c) the headwall must comprise a recessed precast concrete unit of adequate dimensions;
- (d) all material excavated during the construction of the headwall must be removed from the watercourse;
- (e) the area around the headwall must be restored to its previous condition as soon as possible following construction of the headwall;
- (f) in constructing the outfall pipe the undertaker must ensure that erosion protection sufficient to prevent scouring of the bank of the watercourse is provided beneath the outfall pipe, across the bed and extending across the far bank to the same level as the outfall pipe and to at least one metre either side of it;
- (g) no part of the outfall pipe or associated erosion protection measures is to protrude beyond the existing bank profile; and
- (h) discharge through the outfall is to consist solely of surface water runoff and must not include any treated foul water.

Commencement Information

I5 Sch. 14 para. 43 in force at 15.10.2020, see [art. 1](#)

44. If a specified work requires a relevant water course to be temporarily dammed off and over-pumped (“the temporary operations”), the undertaker must—

- (a) obtain the approval of the Board to the commencement and duration of the temporary operations;
- (b) ensure that the drainage of any other person is not materially affected by the temporary operations;
- (c) construct the dams in such a manner that they can be removed without delay in the event that water levels rise to an unacceptably high level or the over-pumping apparatus provided by the undertaker is unable to cope with the flow of water; and
- (d) remove the dams as soon as reasonably possible following completion of the relevant part of the specified works and restore the areas where the dams were positioned to their previous condition.

Commencement Information

16 Sch. 14 para. 44 in force at 15.10.2020, see [art. 1](#)

45. Where the undertaker culverts a relevant watercourse in carrying out a specified work, it must comply with the following requirements—

- (a) where there are existing pipes entering the length of watercourse to be culverted, these are to be suitably extended and diverted to outfall into—
 - (i) the open channel to one side or the other of the culverted length; or
 - (ii) to the nearest access chamber;
- (b) the material used in infilling must not contain any garden rubbish, brick rubble or other deleterious material and must be suitably compacted; and
- (c) the infill material must be laid to the depth required to match the existing ground levels to either side of the infilled area.

Commencement Information

17 Sch. 14 para. 45 in force at 15.10.2020, see [art. 1](#)

46.—(1) Where any damage is caused by the undertaker to a relevant watercourse or other relevant asset in any of the circumstances mentioned in sub-paragraph (2), the undertaker must make good such damage as soon as possible following its occurrence.

(2) The circumstances are—

- (a) the driving or waiting of any vehicle on the banks of any relevant watercourse;
- (b) the placing, use or storage of any apparatus, structure or equipment in or on the banks of any relevant watercourse;
- (c) the dredging, raising or taking of any gravel, sand, ballast, clay or other material from the bed or bank of any relevant watercourse; and
- (d) any other activity undertaken in the construction or maintenance of any specified work.

Commencement Information

18 Sch. 14 para. 46 in force at 15.10.2020, see [art. 1](#)

47.—(1) The undertaker must at its expense maintain all elements of any specified work which are, following their execution, vested in the undertaker.

(2) Where any works to a relevant asset are executed by the undertaker in carrying out the specified works, the Board continues to have responsibility for maintenance of the relevant asset.

Commencement Information

19 Sch. 14 para. 47 in force at 15.10.2020, see [art. 1](#)

48. Any agreement or approval under this Part of this Schedule must not be unreasonably withheld or delayed and must be given in writing.

Changes to legislation: There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, PART 5. (See end of Document for details)

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Commencement Information

I10 Sch. 14 para. 48 in force at 15.10.2020, see [art. 1](#)

49.—(1) Save as provided by sub-paragraph (2) or other provision of this Order, nothing in this Part of this Schedule affects the rights and responsibilities of the Board under the Land Drainage Act 1991.

(2) The Board must not exercise its functions in a manner contrary to the provisions of the Order.

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Commencement Information

I11 Sch. 14 para. 49 in force at 15.10.2020, see [art. 1](#)

50. Any difference or dispute arising between the undertaker and the Board under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and the Board, be determined by arbitration under article 67 (arbitration).

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Commencement Information

I12 Sch. 14 para. 50 in force at 15.10.2020, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, PART 5.