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STATUTORY INSTRUMENTS

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**2022 No. 299**

**The Bridgwater Tidal Barrier Order 2022**

**PART 2**

**WORKS PROVISIONS**

*Supplementary powers and provisions*

**Power to take, pump, impound and discharge water**

- 19.**—(1) The Agency may, in connection with the construction or maintenance of the works—
- (a) take, impound and use water from, and discharge water into, the river;
  - (b) pump any water required by it from or into the river;
  - (c) pump any water found by it into the river or into any watercourse, public sewer, or drain.
- (2) For the purposes set out in paragraph (1), the Agency may—
- (a) lay down, take up and alter conduits, pipes and other works and conveniences;
  - (b) on any land within the Order Limits, make openings into, and connections with, the river, or any watercourse, public sewer or drain.
- (3) The Agency must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain in exercise of the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (4) Any dispute arising from the exercise of the powers conferred by paragraph (1) to connect to or use a public sewer or drain is to be determined as if it were a dispute under section 106 of the Water Industry Act 1991<sup>(1)</sup> (right to communicate with public sewers).
- (5) The Agency must not, in exercise of the powers conferred by paragraphs (1) and (2)—
- (a) discharge any water into any public sewer or drain except with the consent (which is not to be unreasonably withheld) of the person to whom it belongs and subject to such terms and conditions as that person may reasonably impose;
  - (b) make any opening into any public sewer or drain except in accordance with plans reasonably approved by and under the superintendence (if provided) of the person to whom the sewer or drain belongs.
- (6) If a person who receives an application for consent or approval fails to notify the Agency of a decision within 28 days of receiving the application for consent under sub-paragraph (3)(a) or approval under sub-paragraph (5)(b) then that person is deemed to have granted consent or approval, as the case may be.

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<sup>(1)</sup> Section 106 was amended by sections 35(8) and 43(2) of the Competition and Services (Utilities) Act 1992 (c. 43), by section 99 of the Water Act 2003 (c. 37), and by paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(7) Nothing in this article obviates any requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016<sup>(2)</sup> (requirement for an environmental permit).

(8) In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Agency, a harbour authority, an internal drainage board, a local authority, or a joint planning board, and

(b) expressions used both in this article and in the Water Resources Act 1991<sup>(3)</sup> have the same meaning as in that Act, other than “public sewer or drain” or “watercourse”.

(9) In paragraph (8), “internal drainage board” has the same meaning as in Part 1 of the Land Drainage Act 1991<sup>(4)</sup>.

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<sup>(2)</sup> S.I. 2016/1154, to which there are amendments not relevant to this Order.

<sup>(3)</sup> 1991 c. 57.

<sup>(4)</sup> 1991 c. 59.