
WELSH STATUTORY INSTRUMENTS

2018 No. 1182

The Sustainable Drainage (Enforcement) (Wales) Order 2018

PART 1

Introduction

Title and commencement

- 1.—(1) The title of this Order is the Sustainable Drainage (Enforcement) (Wales) Order 2018.
(2) This Order comes into force on 7 January 2019.

Interpretation

- 2.—(1) In this Order—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990⁽¹⁾;

“appellant” (“*apelydd*”) means a developer who makes an appeal under this Order;

“approval” (“*cymeradwyaeth*”) means the approval required under paragraph 7(1) of Schedule 3 for a drainage system for construction work;

“authorised person” (“*person awdurdodedig*”) means a person authorised by an approving body;

“breach” (“*toriad*”), in relation to the requirement for approval, means—

- (a) construction work⁽²⁾ is commenced without approval,
- (b) a condition of approval is breached, or
- (c) construction work does not conform to the approved proposals;

“construction area” (“*ardal adeiladu*”) means—

- (a) the area of land identified on a plan accompanying an application for planning permission, or
- (b) if an application for planning permission has not been made, the area of land on which construction work has commenced or is proposed to be commenced;

“developer” (“*datblygwr*”) means a person who commences or proposes to commence construction work;

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽³⁾;

“enforcement notice” (“*hysbysiad gorfodi*”) has the meaning given in article 8;

⁽¹⁾ 1990 c. 8.

⁽²⁾ “Construction work” is defined in paragraph 7(2)(a) of Schedule 3.

⁽³⁾ 2000 c. 7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

“local planning authority” (“*awdurdod cynllunio lleol*”) has the meaning given in section 1(1B)(4) of the 1990 Act;

“notice of appeal” (“*hysbysiad apêl*”) means a notice under article 14;

“powers of entry” (“*pwerau mynediad*”) means the powers conferred by article 4;

“Schedule 3” (“*Atodlen 3*”) means Schedule 3 to the Flood and Water Management Act 2010;

“stop notice” (“*hysbysiad stop*”) has the meaning given in article 10;

“temporary stop notice” (“*hysbysiad stop dros dro*”) has the meaning given in article 6;

“time limit for making an appeal” (“*terfyn amser ar gyfer gwneud apêl*”) has the meaning given in article 13.

(2) In this Order a reference to “construction work” is to be construed as a reference to construction work having drainage implications(5).

(4) Section 1(1B) was inserted by section 18(3) of the Local Government (Wales) Act 1994 (c. 19).

(5) “Drainage implications” is defined in paragraph 7(2)(b) of Schedule 3.