

SCHEDULES

SCHEDULE 21

Section 32

WATER

Water abstraction and impounding

- 1 The restriction imposed by section 24(1) of WRA 1991 (restriction on the abstraction of water) does not apply in relation to the abstraction of water for the purposes of or in connection with the construction of the works authorised by this Act.
- 2 Section 25 of WRA 1991 (restrictions on impounding) does not apply to anything done in exercise of the powers conferred by this Act with respect to works.
- 3 (1) Section 48A(1) of WRA 1991 (duty not to cause loss or damage to another by the abstraction of water) does not apply in relation to the abstraction of water in connection with the exercise of the powers conferred by this Act.
(2) Where—
 - (a) the nominated undertaker causes loss or damage to another person by the abstraction of water in connection with the exercise of the powers conferred by this Act, and
 - (b) the circumstances are such that causing the loss or damage would have constituted breach of the duty under section 48A(1) of WRA 1991, but for sub-paragraph (1),the nominated undertaker must compensate the other person for the loss or damage.
- (3) Compensation under sub-paragraph (2) is to be assessed on the same basis as damages for breach of the duty under section 48A(1) of WRA 1991.
- (4) Section 48A(5) of WRA 1991 (prohibition of claims in respect of loss or damage caused by abstraction of water which are not claims under that section) has no application to claims under—
 - (a) this paragraph, or
 - (b) Part 5 of Schedule 33.

Structures in, over or under a main river

- 4 (1) Regulation 12(1)(a) of the Environmental Permitting Regulations (environmental permit required for operating a regulated facility) does not apply to the carrying on of a relevant flood risk activity in exercise of the powers conferred by this Act with respect to works.
(2) In this paragraph—

“Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2016 ([S.I. 2016/1154](#));

Status: This is the original version (as it was originally enacted).

“relevant flood risk activity” means an activity within paragraph 3(1) (a), (b) or (c) of Schedule 25 to the Environmental Permitting Regulations (erection, alteration or repair of structures in, over or under a main river).

Floods

- 5 Paragraph 5 of Schedule 1 to FWMA 2010 (consent required for alteration, removal or replacement of designated feature) does not apply to anything done in exercise of the powers conferred by this Act with respect to works.

Drainage

- 6 Paragraph 7 of Schedule 3 to FWMA 2010 (approval required for drainage system for construction work) does not apply in relation to anything done in exercise of the powers conferred by this Act with respect to works.

Communication with public sewers in London

- 7 Section 106(8) of the Water Industry Act 1991 (which qualifies the general right to communicate with the public sewers of a sewerage undertaker in Greater London) does not apply where the proposed communication involves a drain or sewer serving Phase One of High Speed 2.

Eels

- 8 Part 4 of the Eels (England and Wales) Regulations 2009 ([S.I. 2009/3344](#)) (passage of eels) does not apply to anything done in exercise of the powers conferred by this Act with respect to works.

Interpretation

- 9 In this Schedule—
“abstraction” has the same meaning as in WRA 1991;
“FWMA 2010” means the Flood and Water Management Act 2010;
“WRA 1991” means the Water Resources Act 1991.