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*Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 11. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3

#### SUSTAINABLE DRAINAGE

##### *Determination of application for approval*

- 11 (1) On considering an application for approval the approving body must—
- (a) grant it, if satisfied that the drainage system if constructed as proposed will comply with national standards for sustainable drainage, or
  - (b) refuse it, if not satisfied.
- (2) Approval granted under sub-paragraph (1)(a) may be subject to conditions; in particular, a condition may—
- (a) relate to the construction of the drainage system (which may involve modification of the proposal for construction),
  - (b) provide that approval takes effect only if and when the applicant provides a non-performance bond in accordance with paragraph 12,
  - (c) relate to inspection, or
  - (d) require the payment of fees chargeable under paragraph 13 by reference to work undertaken in connection with approval.
- (3) Before determining an application the approving body must consult—
- (a) any sewerage undertaker with whose public sewer the drainage system is proposed to communicate;
  - (b) the Environment Agency, if the drainage system directly or indirectly involves the discharge of water into a watercourse [<sup>F1</sup>in England];
  - [<sup>F2</sup>(ba) the Natural Resources Body for Wales, if the drainage system directly or indirectly involves the discharge of water into a watercourse in Wales;]
  - (c) the relevant highway authority for a road which the approving body thinks may be affected;
  - (d) [<sup>F3</sup>Canal & River Trust], if the approving body thinks that the drainage system may directly or indirectly involve the discharge of water into or under a waterway managed by them;
  - (e) an internal drainage board, if the approving body thinks that the drainage system may directly or indirectly involve the discharge of water into an ordinary watercourse (within the meaning of section 72 of the Land Drainage Act 1991) within the board's district.
- (4) As soon as is reasonably practicable after determining an application for approval the approving body must notify—
- (a) the applicant or, in the case of a combined application, the planning authority, and
  - (b) any person consulted under sub-paragraph (3).

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- (5) The Minister may make regulations about timing and procedure for determination of applications for approval; and the regulations may, in particular, specify the consequences of failure to comply with them.

#### Textual Amendments

- F1** Words in Sch. 3 para. 11(3)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 467(2)** (with Sch. 7)
- F2** Sch. 3 para. 11(3)(ba) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 467(3)** (with Sch. 7)
- F3** Words in Sch. 3 para. 11(3)(d) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 20** (with arts. 4-6)

#### Commencement Information

- I1** [Sch. 3 para. 11](#) in force at 2.5.2018 for specified purposes for W. by [S.I. 2018/557](#), **art. 2(b)**
- I2** [Sch. 3 para. 11](#) in force at 7.1.2019 for W. in so far as not already in force by [S.I. 2018/557](#), **art. 3(b)**

**Changes to legislation:**

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