

1977 No. 2179

**WATER, ENGLAND AND WALES**

**Welsh National Water Development Authority (Llyn Cwellyn)  
Order 1977**

*Made* - - - - 14th December 1977

*Coming into Operation* 23rd December 1977

The Secretary of State for Wales, in exercise of powers conferred by section 23 of the Water Act 1945(a) as extended by section 3 of the Water Act 1948(b) and now vested in him (c) and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Welsh National Water Development Authority (Llyn Cwellyn) Order 1977 and shall come into operation on 23rd December 1977. Citation

(2) This order shall be included amongst the orders which may be cited together as the Welsh National Water Development Authority Orders 1976 and 1977.

2.—(1) In this order, unless the context otherwise requires—

“the Authority” means the Welsh National Water Development Authority;

“the deposited plan” means the plan and sections prepared in duplicate, signed by an Under Secretary in the Welsh Office and marked “Plan referred to in the Welsh National Water Development Authority (Llyn Cwellyn) Order 1977”, of which one duplicate is deposited and available for inspection at the offices of the Director of Administration of the Authority and the other at the offices of the Secretary of State for Wales;

“the undertaking” means the water undertaking of the Authority as from time to time authorised by any enactment.

(2) References in this order to reference points shall be construed as references to the National Grid reference points.

(3) Any reference in this order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this order.

(4) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this order.

Inter-  
pretation

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(a) 1945 c. 42.

(b) 1948 c. 22.

(c) S.I. 1951/142, 1900, 1965/319 (1951 I, pp. 1348, 1347; 1965 I, p. 785).

Application and incorporation of enactments

3.—(1) For the purposes of this order the provisions of the Third Schedule to the Water Act 1945 which are set out in column (1) of Schedule 2 to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and are hereby incorporated with this order.

(2) Sections 30 to 44 inclusive of the Railways Clauses Consolidation Act 1845(a) (which relate to the temporary occupation of lands near the railway during the construction thereof) are hereby incorporated with this order and, as so incorporated, shall have effect as if for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of two years from the commencement of the construction of any of the works authorised by the special Act” and the following expressions had the meanings hereby assigned to them:—

“the Company” means the Authority;

“the railway” means the works authorised by this order and “the centre of the railway” means the centre of any such works; and

“the special Act” means this order.

(3) In its application to this order, Part I of the Compulsory Purchase Act 1965(b) shall have effect subject to the following exceptions and modifications:—

(a) at the end of section 4 there shall be added the following proviso:—

“Provided that such powers shall in relation to any of the land be deemed to have been exercised if before the expiration of the said three years notice to treat has been served in respect of that land.”;

(b) in section 11(2), at the end of the first paragraph thereof, there shall be inserted the words “(other than paragraph 3(3) thereof).”;

(c) in section 11(3) for the words “not less than three nor more than fourteen days’ notice” there shall be substituted the words “not less than seven days’ notice in the case of the first entry and not less than twenty-four hours’ notice in the case of a subsequent entry”;

and

(d) section 27 shall be omitted.

Purchase of land.

4.—(1) The Authority may purchase compulsorily for the purpose of the works authorised by this order all or any of the lands described in Schedule 1 to this order.

(2) Notwithstanding the provisions of subsection (1) of this section, the Authority shall not so purchase any of the lands so described, except lands falling within the description in subsection (3) of this section, if the owner of that land is able and willing to grant or sell to the Authority (at a price to be agreed or, failing agreement, to be determined in accordance with the provisions of the Land Compensation Act 1961(c)) such easements and rights over and in that land as the Authority may require for the purposes of constructing, maintaining, inspecting, repairing or operating the said works or any subsidiary works or accommodation works provided in connection therewith or for access for any of those purposes.

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(a) 1845 c. 20.

(c) 1961 c. 33.

(b) 1965 c. 56.

(3) The lands excepted from subsection (2) of this section are—

- (a) any lands required for the construction and maintenance of the embankment, control structure and outfall channel (Work No. 1) which are within a distance of 37.5 metres on either side of a cross section, and within a distance of 10 metres on either side of a longitudinal section, passing by the shortest line through the centre of the said control structure; and
- (b) any lands required for the construction and maintenance of the river improvement (Work No. 2) which are within a distance of 15 metres on either side of the centre line of that work.

5. Subject to the provisions of this order, the Authority in, on or under the lands described in Schedule 1 to this order, may construct and maintain in the lines or situations and according to the levels shown on the deposited plan and within the limits of deviation there shown the following works in the Community of Betws Garmon in the District of Arfon in the County of Gwynedd:—

Power to  
construct  
works.

Work No. 1—An embankment constructed to a height not exceeding 145.5 metres above Ordnance Survey Datum, a control structure and outfall channel, including a fish pass, the said embankment commencing at reference point SH 5524 5561 and terminating at reference point SH 5516 5544, the said control structure being situated at the outlet of Llyn Cwellyn to the Afon Gwyrfaï at reference point SH 5521 5559 or thereabouts and the said outfall channel extending south-eastwards from the said outlet for a distance of 60 metres or thereabouts;

Work No. 2—An improvement of the Afon Gwyrfaï consisting of an alteration, widening, deepening, strengthening, straightening or diversion of the bed and banks of so much of the said river as lies between the said embankment and reference point SH 5469 5631;

Work No. 3—An access road commencing by a junction with the A 4085 road from Caernarfon to Beddgelert at reference point SH 5526 5581 and terminating at Work No. 1;

Work No. 4—An intake on the right bank of the Afon Gwyrfaï at reference point SH 5468 5632;

Work No. 5—A weir by way of the reconstruction of the existing weir at the Nant Mill Falls along the line of the said existing weir, commencing at reference point SH 5467 5630 and terminating at reference point SH 5468 5632;

Work No. 6—An intake (for the abstraction of water from Llyn Cwellyn during works for the construction or maintenance of Works Nos. 1 and 2) at reference point SH 5522 5559;

Work No. 7—A temporary pipeline (for use during works for the construction of Works Nos. 1 and 2) commencing at the said intake (Work No. 6) and terminating by a junction with an existing pipe in the said A 4085 road at reference point SH 5470 5633;

Work No. 8—A temporary intake and pipeline (for the abstraction of water from Llyn Cwellyn during works for the construction of Work No. 1 and part of Work No. 2) at reference point SH 5527 5559, the said pipeline joining the pipeline (Work No. 7) at reference point SH 5521 5564 or thereabouts.

Works to form part of undertaking

6. The works authorised by this order shall for all purposes form part of the undertaking.

Temporary stoppage of drains and rights of way.

7.—(1) The Authority, during and for the purposes of the construction of the works authorised by this order, may temporarily stop up, alter, divert or otherwise interfere with any drain or any highway or private right of way, and in the case of any highway or right of way, may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

(2) The Authority shall provide reasonable access for passengers, with or without animals, bona fide going to or from any such land, house or building.

(3)(a) The powers of subsection (1) of this section shall not be exercised in relation to a highway without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by the Secretary of State.

(b) The powers of subsection (1) of this section shall not be exercised in relation to any drain without providing a proper substitute before interrupting the passage of water in or through such drain, and the Authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any drain, the amount of such compensation being, in case of dispute, determined by the Lands Tribunal.

## SCHEDULE 1

### DESCRIPTION OF LANDS

Lands in the community of Betws Garmon in the district of Arfon in the county of Gwynedd and within the limits of land interests to be acquired as shown on the deposited plan and comprising 11.46 hectares or thereabouts forming part of the enclosures numbered 518 to 520, 537 to 540, 549 to 552, 559, 561, 562, 565 to 567, 570 and 571 in the said community on the 1/2500 ordnance map of Caernarvonshire, Sheet XXI—3 (edition of 1915) and lands in the said community comprising part of the shore and bed of Llyn Cwellyn at or near the northern end of the said lake.

## SCHEDULE 2

### PROVISIONS OF THE THIRD SCHEDULE APPLIED FOR PURPOSES OF ORDER

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the plan referred to in the special Act"; for the words "the said plans" there shall be substituted the words "the said plan"; and the proviso (b) shall not apply to the temporary pipelines comprised in Works Nos. 7 and 8 authorised by the special Act.
Section 4 (General power to construct subsidiary works)	The words from "and to any other" to "abstract water" shall be omitted; for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the lands delineated on the plan referred to in the special Act"; for the word "thereof" there shall be substituted the words "of those works"; and after the word "buildings" there shall be inserted the words "roads, means of access, cables, embankments, bridges, cofferdams,".
Section 5 (Power of undertakers to lay or erect telephone wires, etc.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 7 (Power to acquire easements for underground works)	After the words "underground works" in subsection (1) there shall be inserted the words "or of providing means of access" and after that subsection there shall be inserted the following subsection:— " (1A) For the purposes of this section a work shall be deemed to be underground although apparatus or conveniences connected therewith are partly on the surface."

Provisions applied (1)	Modifications (2)
Section 8 (Persons under disability may grant easements, etc.)	—
Part IV (Minerals Underlying Water-works)	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works"; and the words "for the time being belonging to them" shall be omitted.
Section 82 (Power to enter premises)	—
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 91 (Mode of reference to arbitration)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	In subsection (1) for the words from "the Council of every County" to the end of subsection there shall be substituted the words "the Gwynedd County Council."

Signed by authority of the  
Secretary of State  
14th December 1977

*P. J. Hosegood,*  
An Under Secretary  
in the Welsh Office