
Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Act 1987, Cross Heading: Use of lagoon for drainage. (See end of Document for details)

SCHEDULE 2

SUPPLEMENTARY PROVISIONS AS TO THE SCHEDULED WORKS AND OTHER AUTHORISED WORKS

PART II

REGULATION OF SCHEDULED WORKS AND SUBSIDIARY PROVISIONS

SECTION A

PROVISIONS APPLICABLE TO CONCESSIONAIRES

Use of lagoon for drainage

- 5 (1) Subject to the requirements of sub-paragraph (2) below, the Concessionaires may—
- (a) raise, lower or regulate the water, or the level or flow of water, in the Seabrook Stream in such manner as may be necessary or expedient for the construction, maintenance or operation of the drainage lagoon (Work No. 16); and
 - (b) discharge water from the lagoon into the stream at a point immediately below the embankment by which that work is formed.
- (2) In the construction of that embankment, and thereafter in the maintenance and operation of that work, the Concessionaires shall take such steps as may be necessary to ensure compliance with the requirement that the rate at which water is discharged from that work into the stream is never more than such maximum rate nor less than such minimum rate as may be agreed between the Concessionaires and the Southern Water Authority or, in default of agreement or on notice being given by the Secretary of State to the Concessionaires and the water authority, shall be determined by him; and in the exercise of any of the powers of sub-paragraph (1) above the Concessionaires shall comply with such conditions as may be so agreed or determined.
- (3) Before agreeing rates of discharge or conditions under sub-paragraph (2) above the water authority shall consult [^{F1}Natural England], the Shepway District Council and the Kent County Council.
- (4) For the purposes of the ^{M1}Water Resources Act 1963 the provisions of this Act authorising the construction, maintenance and operation of the drainage lagoon shall be treated as if contained in a licence to construct impounding works granted to the Concessionaires subject to the requirement, and to any conditions relating to the exercise of the powers of sub-paragraph (1)(a) above, agreed or determined under sub-paragraph (2) above.
- (5) For the purposes of Part II of the ^{M2}Control of Pollution Act 1974 the discharge of water under sub-paragraph (1)(b) above shall be treated as if made with the consent of the water authority given in pursuance of that Act subject to such conditions relating to the discharge as may be agreed or determined under sub-paragraph (2) above.
- (6) In any proceedings for failure to comply with any such requirement or condition as is mentioned in sub-paragraph (4) above, it shall be a defence to prove that the failure

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was wholly or mainly attributable to exceptional shortage of rain, frost, accident or other unavoidable cause.

Textual Amendments

- F1** Words in [Sch. 2 para. 5\(3\)](#) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 108](#); S.I. 2006/2541, art. 2 (with [Sch.](#))
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Marginal Citations

- M1** 1963 c. 38.
M2 1974 c. 40.

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