
Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: Process of adoption in pursuance of duty to adopt. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SUSTAINABLE DRAINAGE

Process of adoption in pursuance of duty to adopt

- 23 (1) This paragraph describes the procedure for adoption in pursuance of the duty to adopt.
- (2) An approving body may adopt a drainage system—
- (a) on its own initiative, or
 - (b) at the request of the person who applied for approval under paragraph 7 (“the developer”).
- (3) A request must be made in the form (if any) prescribed by the approving body.
- (4) Where an approving body receives a request it must—
- (a) determine it within such period as the Minister may prescribe by order, and
 - (b) notify the developer as soon as is reasonably practicable of the decision and of any right of appeal.
- (5) Where an approving body adopts a drainage system on its own initiative it must notify the developer as soon as is reasonably practicable.
- (6) Where an approving body gives notice under sub-paragraph (4)(b) or (5) it must—
- (a) ensure that the notice specifies the extent of the drainage system being adopted,
 - (b) copy the notice to the sewerage undertaker in whose area the drainage system is,
 - (c) copy the notice to any person who appears to the approving body to own or occupy land on which the drainage system is (including details of any arrangements under the approved proposals for access and maintenance),
 - (d) copy the notice to any other person whom the approving body were obliged to consult on the application for approval,
 - (e) copy the notice to any person who appears to the approving body to own or occupy land from which water will be drained by the drainage system,
 - (f) arrange for the inclusion of the drainage system (including any non-adopted part) in the relevant register under section 21,
 - (g) release any bond provided under paragraph 12,
 - (h) arrange for the designation under Schedule 1 of any part of the drainage system (whether an adopted part or not) which is eligible for designation (and which is not owned by the approving body), and
 - (i) designate under section 63 of the New Roads and Street Works Act 1991 (streets with special engineering difficulties) any adopted part of the drainage system that is a street within the meaning of section 48 of that Act.

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(7) The Minister may make regulations about the timing and manner of compliance with sub-paragraph (6).

Commencement Information

- I1** Sch. 3 para. 23 in force at 2.5.2018 for specified purposes for W. by S.I. 2018/557, art. 2(b)
I2 Sch. 3 para. 23 in force at 7.1.2019 for W. in so far as not already in force by S.I. 2018/557, art. 3(b)

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