
STATUTORY INSTRUMENTS

2006 No. 1518

The Port of Blyth (Battleship Wharf Railway) Order 2006

Discharge of water

10.—(1) The Commissioners may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the limits of deviation, make openings into, and connections with, the watercourse, sewer or drain.

(2) Any dispute arising from the exercise of the powers in paragraph (1) to connect to or use a public sewer or drain shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991(1).

(3) The Commissioners shall not discharge any water into any watercourse, public sewer or drain except with the consent of the authority to which it belongs; and such consent may be given subject to such terms and conditions as the authority may reasonably impose, but shall not be unreasonably withheld.

(4) The Commissioners shall not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the authority to which the sewer or drain belongs, but such approval shall not be unreasonably withheld; and
- (b) where the authority has been given the opportunity to supervise the making of the opening.

(5) The Commissioners shall not, in the exercise of the powers conferred by this article, damage or interfere with the beds or banks of any watercourse forming part of a main river.

(6) The Commissioners shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991(2).

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to the Environment Agency, an internal drainage board, a local authority or a sewerage undertaker; and
- (b) other expressions, except watercourses, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

(1) 1991 c. 56.

(2) 1991 c. 57.