
WELSH STATUTORY INSTRUMENTS

2018 No. 1077

The Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018

PART 4

Where duty to adopt does not apply

Single property exception

9. For the purposes of paragraph 18(1) or (2) of Schedule 3 a drainage system or any part of a drainage system is to be treated as designed only to provide drainage for a single property if it is designed to provide drainage for any buildings or other structures that, following completion of the construction work, will be owned, managed or controlled by—

- (a) a single person, or
- (b) two or more persons together.

Release of non-performance bond where duty to adopt does not apply

10.—(1) Except where paragraph (3) applies, an approving body must release a non-performance bond within 4 weeks beginning on the first working day after completion of a drainage system that is constructed in accordance with approved proposals.

(2) Paragraph (3) applies if the approving body—

- (a) issued a certificate under paragraph 12(2) of Schedule 3, and
- (b) carried out work to ensure the drainage system was completed in such a manner as to make it likely to operate in compliance with national standards.

(3) The approving body must, within 4 weeks beginning on the first working day after completing the work—

- (a) send to the developer a full account of any sums received under the bond that have been applied to the expense of carrying out the work,
- (b) pay the developer any excess, and
- (c) release the non-performance bond.

(4) In this regulation—

“approved proposals” (*“cynigion a gymeradwywyd”*) means proposals approved under paragraph 7(1) of Schedule 3, including any conditions of approval;

“drainage system” (*“system ddraenio”*) is to be construed as a drainage system to which the duty to adopt does not apply.

Notification of voluntary adoption

11.—(1) An approving body must give any notification under paragraph 24(2) of Schedule 3 as soon as practicable after deciding to adopt a drainage system to which the duty to adopt does not apply.

- (2) The notification must specify—
- (a) the reason for adoption, and
 - (b) the date of adoption.

Registration and designation following voluntary adoption

12. Within 4 weeks beginning on the first working day after giving a notification under paragraph 24(2) of Schedule 3, an approving body must arrange for—

- (a) the lead local flood authority to include the drainage system in the register maintained under section 21 of the Act, and
- (b) a designating authority to make a provisional designation under paragraph 7 of Schedule 1 of any part of the drainage system (whether an adopted part or not) which is eligible for designation and is not owned by the approving body.