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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1182**

**The Sustainable Drainage (Enforcement) (Wales) Order 2018**

**PART 1**

Introduction

**Title and commencement**

- 1.—(1) The title of this Order is the Sustainable Drainage (Enforcement) (Wales) Order 2018.  
(2) This Order comes into force on 7 January 2019.

**Interpretation**

- 2.—(1) In this Order—

- “the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990 <sup>M1</sup>;
- “appellant” (“*apelydd*”) means a developer who makes an appeal under this Order;
- “approval” (“*cymeradwyaeth*”) means the approval required under paragraph 7(1) of Schedule 3 for a drainage system for construction work;
- “authorised person” (“*person awdurdodedig*”) means a person authorised by an approving body;
- “breach” (“*toriad*”), in relation to the requirement for approval, means—
- construction work <sup>M2</sup> is commenced without approval,
  - a condition of approval is breached, or
  - construction work does not conform to the approved proposals;
- “construction area” (“*ardal adeiladu*”) means—
- the area of land identified on a plan accompanying an application for planning permission, or
  - if an application for planning permission has not been made, the area of land on which construction work has commenced or is proposed to be commenced;
- “developer” (“*datblygwr*”) means a person who commences or proposes to commence construction work;
- “electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000 <sup>M3</sup>;
- “enforcement notice” (“*hysbysiad gorfodi*”) has the meaning given in article 8;
- “local planning authority” (“*awdurdod cynllunio lleol*”) has the meaning given in section 1(1B) <sup>M4</sup> of the 1990 Act;
- “notice of appeal” (“*hysbysiad apêl*”) means a notice under article 14;
- “powers of entry” (“*pwnerau mynediad*”) means the powers conferred by article 4;

“Schedule 3” (“*Atodlen 3*”) means Schedule 3 to the Flood and Water Management Act 2010;  
“stop notice” (“*hysbysiad stop*”) has the meaning given in article 10;  
“temporary stop notice” (“*hysbysiad stop dros dro*”) has the meaning given in article 6;  
“time limit for making an appeal” (“*terfyn amser ar gyfer gwneud apêl*”) has the meaning  
given in article 13.

(2) In this Order a reference to “construction work” is to be construed as a reference to  
construction work having drainage implications <sup>M5</sup>.

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**Marginal Citations**

- M1** [1990 c. 8](#).  
**M2** “Construction work” is defined in paragraph 7(2)(a) of Schedule 3.  
**M3** [2000 c. 7](#). Section 15(1) was amended by paragraph 158 of Schedule 17 to the [Communications Act 2003 \(c. 21\)](#).  
**M4** [Section 1\(1B\)](#) was inserted by section 18(3) of the [Local Government \(Wales\) Act 1994 \(c. 19\)](#).  
**M5** “Drainage implications” is defined in paragraph 7(2)(b) of Schedule 3.

**Changes to legislation:**

There are currently no known outstanding effects for the The Sustainable Drainage (Enforcement) (Wales) Order 2018, PART 1.