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**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 28. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

#### SUSTAINABLE DRAINAGE

##### *Works on public land*

- 28 (1) The Minister may make regulations requiring a statutory undertaker to notify the approving body before commencing statutory works on public land where the works will or may affect the operation of a drainage system on that land.
- (2) “Public land” means land owned or occupied by a designating authority for the purposes of Schedule 1.
- (3) The regulations shall define—
- (a) “statutory undertaker”, and
  - (b) “statutory works”.
- (4) The regulations may specify criteria for determining what works are to be treated as works that will or may affect the operation of a drainage system.
- (5) The regulations may include provision about—
- (a) timing, and
  - (b) procedure.
- (6) The regulations may—
- (a) specify consequences of failure to comply with a provision of the regulations;
  - (b) include provision requiring, or enabling an approving body to require, a statutory undertaker who is carrying out or has carried out works affecting a drainage system to carry out further work in relation to the system (which may include, in particular, a requirement to leave the system in a state approved by the approving body, having regard to national standards on sustainable drainage);
  - (c) give approving bodies default powers to undertake work and recover costs.
- (7) The regulations may amend an enactment so as to introduce a cross-reference to the regulations.

#### **Commencement Information**

- I1** Sch. 3 para. 28 in force at 2.5.2018 for specified purposes for W. by S.I. 2018/557, art. 2(b)
- I2** Sch. 3 para. 28 in force at 7.1.2019 for W. in so far as not already in force by S.I. 2018/557, art. 3(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 28.