
STATUTORY INSTRUMENTS

2000 No. 428

Knowsley Industrial Park (Rail Terminal) Order 1999

PART V

PROTECTIVE PROVISIONS

For protection of Environment Agency

25.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”) the following provisions of this article shall, unless otherwise agreed in writing between the Council and the Agency, have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991(1) or any byelaws made under that Act or the Land Drainage Act 1991(2) in relation to anything done under or in pursuance of this Order.

(3) Before carrying out any works under the powers of this Order involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the authorised works, the Council shall furnish to the Agency proper and sufficient plans of such works for the approval of the Agency and shall not carry out such works until those plans have been approved in writing by the Agency.

(4) The approval of plans furnished under paragraph (3) above shall not be unreasonably withheld and if, within two months from the day that the plans are received by the Agency, the Agency does not indicate in writing its disapproval and the grounds of its disapproval, it shall be deemed to have approved the plans as received.

(5) For the purposes of paragraph (3) above, “plans” includes sections, drawings, specifications, calculations and descriptions.

(6) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for purposes of or in connection with the authorised works, whether constructed under the powers of this Order or in existence prior to the making of this Order, shall be maintained by the Council in good repair and condition and free from obstruction.

(7) Nothing in paragraph (6) above shall have the effect of requiring the Council to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person are liable to maintain.

(8) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article the Council shall upon receiving notice from the Agency take such action as may be necessary to remedy the effect of the contravention to the Agency’s satisfaction and in default of such action by the Council the Agency may itself take such action as may be necessary

(1) 1991 c. 57.
(2) 1991 c. 59.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

and recover the expenses reasonably incurred by it in doing so from the Council as a debt due from them to the Agency.

Statutory undertakers, etc.

26. The provisions of Schedule 4 (provisions relating to statutory undertakers, etc.) to this Order shall have effect.

For protection of Railtrack

27. The provisions of Schedule 5 (for the protection of Railtrack) to this Order shall have effect.