
STATUTORY INSTRUMENTS

2001 No. 1347

The Leeds Supertram (Extension) Order 2001

PART V

MISCELLANEOUS AND GENERAL

Protection for Environment Agency

38.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”), the following provisions shall, unless otherwise agreed in writing between the Executive 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 tramway, the Executive shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out the said works until the said 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 of such plans being supplied to 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 supplied.

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

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

(7) Nothing in paragraph (6) above shall have the effect of requiring the Executive 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 Executive 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 reasonable satisfaction and in default the Agency may itself take such action as may be necessary and recover

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

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the expenses reasonably incurred by it in doing so from the Executive as a debt from them to the Agency.

(9) Any difference arising between the Executive and the Agency under this article (other than a difference as to its meaning or construction) shall be determined by arbitration.