

## SCHEDULES

### SCHEDULE 14

Article 39

#### FOR PROTECTION OF THE ENVIRONMENT AGENCY

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

2. Before carrying out under the powers of this Order—

- (a) any part of the authorised works on or within 8 metres of the banks of any watercourse or within 16 metres in the case of a watercourse which is tidal;
- (b) 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(1); or
- (c) the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in or through any land within the Order limits,DLRL shall supply to the Environment Agency for its approval proper and sufficient plans of its proposals (including, where appropriate, plans for mitigating any adverse effects) and shall not carry out any such operation or work otherwise than in accordance with such plans as are approved.

3. The approval of plans supplied under paragraph 2 shall not be unreasonably withheld and if, within 2 months of such plans being supplied to the Environment Agency, the Environment 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.

4. For the purposes of paragraph 2, “banks” has the meaning given by section 72 of the Land Drainage Act 1991(2) and “plans” includes sections, drawings, specifications, calculations and descriptions.

5. If any operation or work is carried out in contravention of this Schedule DLRL shall upon receiving notice from the Environment Agency take such action as may be necessary to remedy the effect of the contravention to the Environment Agency’s reasonable satisfaction and in default the Environment Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the DLRL as a debt due from it to the Environment Agency.

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