STATUTORY INSTRUMENTS

1986 No. 1575

WATER, ENGLAND AND WALES

The Anglian Water Authority (Stour Groundwater) Order 1986

Made - - - - - *9th September* 1986

Coming into Operation *10th September* 1986

The Secretary of State for the Environment, in exercise of powers conferred by section 67 of the Water Resources Act 1963(a), section 36 of the Compulsory Purchase Act 1965(b) and section 1 of the Water Resources Act 1971(c) and now vested in him(d) and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement

1.—(1) This order may be cited as the Anglian Water Authority (Stour Groundwater) Order 1986 and shall come into operation on 10th September 1986.

(2) The Anglian Water Authority (King's Lynn Tidal Defences) Act 1984(e), the Anglian Water Authority Act and Orders 1974 to 1985 and this order may be cited together as the Anglian Water Authority Acts and Orders 1974 to 1986.

Interpretation

2.—(1) In this order, expressions to which meanings are assigned by section 135 of the Water Resources Act 1963 have the same respective meanings, and—

"the Act of 1963" means the Water Resources Act 1963;

"the Authority" means the Anglian Water Authority;

"the authorised works" means Works Nos. 1 to 22 authorised by this order;

"the deposited maps" means the maps prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked "Maps referred to in the Anglian Water Authority (Stour Groundwater) Order 1986" of which one set is deposited and available for inspection at the offices of the Authority (Colchester Division) and the other at the offices of the Secretary of State;

"improvement and maintenance work" includes the protection of banks, the removal and lopping of trees and bushes, dredging, the repair and replacement of culverts and gauging structures and the clearance of debris;

"the Third Schedule" means the Third Schedule to the Water Act 1945(f).

(a) 1963 c. 38. (b) 1965 c. 56. (c) 1971 c. 34.
(d) S.I. 1970/1681. (e) 1984 c. xiv. (f) 1945 c. 42.

(2) In this order a group of two letters and eight figures identifying or associated with any point represents the map co-ordinates of that point estimated to the nearest 10 metres on the grid of the national reference system used by the Ordnance Survey on its maps and plans.

(3) Unless the subject or context otherwise requires, any references in this order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this order.

Incorporation of enactments

3.—(1)(*a*) There shall be excepted from Part I of the Compulsory Purchase Act 1965, as applying in relation to this order, the provisions of section 27 and paragraph 3(3) of Schedule 3 to that Act.

(*b*) In its application to this order section 11 of the said Act of 1965 shall have effect as if in subsection (3) thereof for the words "not less than three nor more than fourteen days' notice" there were substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry".

(2) For the purposes of this order the provisions of the Third Schedule set out in column (1) of Schedule 1 to this order shall apply to the Authority and to the authorised works and are hereby incorporated with this order. In their application to the Authority the said provisions shall have effect (*a*) as if for any reference therein to the undertakers there were substituted a reference to the Authority; and (*b*) subject to the modifications set out in column (2) of the said Schedule to this order.

Power to acquire lands

4. Subject to the provisions of this order, the Authority may purchase compulsorily such of the lands within the limits of deviation and of lands to be acquired shown on the deposited maps as they may require for the construction, maintenance and operation of the authorised works or other purposes connected therewith, including (without prejudice to the generality of the foregoing) for the purpose of obtaining access thereto, obtaining materials for the construction thereof, depositing spoil or other material excavated during the construction thereof, or otherwise for the purposes of this order or other purposes connected therewith.

Easements only to be acquired for under-ground works, etc.

5.—(1) Notwithstanding anything in article 4 (Power to acquire lands) of this order, the Authority shall not acquire compulsorily any land required only for the construction of work to which this article applies (other than any works to be constructed on the surface of the ground forming part of, or connected with, any of those works) if the owners thereof are able and willing to grant or sell to the Authority such easements or rights in or over that land as may be sufficient for the purpose of constructing, using, maintaining, protecting, renewing or removing any such work as aforesaid at a price to be agreed or, failing agreement, to be determined by arbitration in accordance with the provisions of the Land Compensation Act 1961**(a)**.

(a) 1961 c. 33.

(2) The works to which this article applies are the improvement and maintenance to watercourse Work No. 20.

Construction of works

6.—(1) Subject to the provisions of this order, the Authority may within the limits of deviation shown on the deposited maps within the Counties of Essex and Suffolk—

(*a*) continue, maintain, improve and duplicate for the abstraction of water as each of the works numbered in the first column of Schedule 2 to this order the existing boreholes in the borough or district, parish and enclosures specified in the second, third and fourth columns of that Schedule as shown on the 1/2500 ordnance map sheets specified in the fifth column of the said Schedule;

(*b*) construct and maintain the existing aqueducts or line or lines of pipes and existing outfalls as each of the works numbered in the first column of Schedule 3 to this order in the borough or district and parish or parishes specified in the second and third columns of that Schedule, between the points specified in the fourth and fifth columns of that Schedule, as shown on the 1/2500 ordnance map sheets specified in the sixth column of that Schedule;

(*c*) carry out improvement and maintenance work as each of the works numbered in the first column of Schedule 4 to this order in the borough or district and parish specified in the second and third columns of that Schedule on watercourses between the points specified in the fourth and fifth columns of that Schedule, as shown on the 1/2500 ordnance map sheets specified in the sixth column of the said Schedule;

(2)(*a*) The authority may lay electric lines—

(i) in connection with and as part of the authorised works for the purpose of establishing telegraphic, telephonic or other electrical communication between any part of the authorised works or between different parts of the authorised works or between any part of the authorised works and their offices; and

(ii) for the purpose of transmitting electricity between any boreholes forming part of the authorised works and any electric line laid for that purpose may be laid in connection with and as part of those works.

(*b*) Subsections (3), (4) and (5) of section 5 of the Third Schedule shall extend and apply to any electric lines laid under this paragraph as if they were wires, posts, conductors and other apparatus laid under the said section 5. Provided that the said subsection (3) as so applied shall have effect as if the words from "and shall be" to the end of the subsection were omitted.

(*c*) In this paragraph "electric line" has the same meaning as in the Electric Lighting Act 1882**(a)**.

(3) The Authority may within the limits of deviation from time to time extend, enlarge, alter, replace or relay the works described in paragraphs (1) and (2) of this article.

(a) 1882 c. 56.

General power to construct subsidiary works

7.—(1) Subject to the provisions of this order and within the limits of deviation shown on the deposited maps, the Authority in connection with and for the purposes of the authorised works, may—

(*a*) make, provide and maintain all necessary and convenient walls, banks, embankments, lagoons, piling, fences, gates, facilities for watering cattle and other animals, culverts, drains, intakes, syphons, channels, weirs, gauges, sluices, wharves, mattresses, pitching, roads, droves, bridges, towing paths and footpaths, and all such buildings, sheds, meter, valve and other chambers, mains, pipes, cables, radio masts and aerials, wires, pumps, meters, machinery, works and appliances as may be required;

(*b*) dispose of spoil or other materials;

(*c*) execute any works for the protection of any adjoining lands or buildings;

(*d*) remove, alter, divert or stop up any watercourse or sewer, the Authority providing a proper substitute before interrupting the flow of sewage in any sewer or water in any watercourse;

(*e*) fell, lop or cut and remove any tree, bush, shrub or other vegetation;

(2) In the exercise of the powers conferred by this article, the Authority shall cause as little detriment and inconvenience to any person as circumstances admit.

Power to make discharges of water

8.—(1) The Authority may make the discharges respectively particulars of which are set out in Schedule 5 to this order from the discharge points specified in column (2) of that Schedule into the watercourses specified in column (3) of that Schedule, being discharges of water by means of the works authorised by this order specified in column (1) of that Schedule and at a rate not exceeding that specified in column (4) of the said Schedule.

(2) Notwithstanding anything in paragraph (1) of this article the discharges thereby authorised may be made at any other point on the receiving watercourse mentioned opposite the same in column (3) of the said Schedule being a point within the limits of deviation of the work from which the discharge is made and mentioned in column (1) of the said Schedule.

For the protection of Eastern Electricity Board

9. For the protection of the Eastern Electricity Board (hereinafter referred to as "the Board") the following provisions shall, unless in any case it is otherwise agreed in writing between the Authority and the Board, apply and have effect:

(1) In this article—

"apparatus" means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Board and the expression "adequate alternative apparatus" means alternative apparatus adequate to enable the Board to fulfil their statutory functions in a manner not less efficient than previously:

"in" in a context referring to apparatus or alternative apparatus includes under, over, across, along or upon;

(2) The Authority shall not for the purposes of exercising the powers of this order remove any apparatus or extinguish any right of the Board to use, maintain, repair, renew or inspect any apparatus situated in any of the lands shown on the deposited maps until adequate alternative apparatus shall have been constructed and is in operation to the reasonable satisfaction of the Board;

(3) If the Authority for the purpose of exercising the powers of this order requires the removal of any apparatus and gives to the Board notice in writing of their requirements, or if in consequence of the exercise of the powers of this order the Board shall require to remove any apparatus, the Authority shall afford to the Board the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Authority and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the Authority are unable to afford facilities and rights as aforesaid the Board shall on receipt of a written notice to that effect from the Authority forthwith use their best endeavours to obtain the necessary facilities and rights over other land;

(4) The Authority shall pay to the Board the amount by which the costs, charges and expenses reasonably incurred by the Board in connection with any removal or alteration of any apparatus or the construction of any new apparatus that may be required in consequence of the exercise of the powers contained in this order shall exceed the value (such value being calculated after removal) of any apparatus removed in consequence of alternative apparatus being provided and shall also make compensation to the Board for any damage caused to any apparatus in consequence of the exercise of the said powers;

(5) The Authority shall, except in the case of emergency, give to the Board not less than 14 days' notice in writing before commencing any work to which section 18 of the Schedule to the Electric Lighting (Clauses) Act, 1899**(a)** applies;

(6)(*a*) The Authority will give to the Board not less than 28 days notice before commencing work to lay electric lines pursuant to Article 6 paragraph (2) of this order and include in this notice details of the proposed method of operation of the said electric lines and in executing such work will comply with all reasonable directions given by the Board to ensure the safety and proper operation of the Board's apparatus and that the said electric lines will not unduly or improperly interfere with the supply of electricity by the Board.

(*b*) The Authority shall on completion of the laying of electric lines pursuant to Article 6 paragraph (2) of this order supply to the Board plans of all such lines.

(7)(*a*) Any difference which may arise between the Authority and the Board under this article shall be determined by a single arbitrator to be appointed

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(a) 1899 c. 19.

by agreement between the Authority and the Board, or in default of agreement, to be appointed on the application of either party, after notice in writing to the other party, by the President of the Institution of Civil Engineers:

(*b*) In settling any difference under this article the arbitrator may, if he thinks fit, require the Authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

SCHEDULE 1

PROVISIONS OF THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited maps".
Section 8 (Persons under disability may grant easements, etc.)	——
Section 91 (Mode of reference to arbitration)	——
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1) for the words from "with the clerk of the council" to the end of the subsection there shall be substituted the words "with the council of every county and district affected by the special Act".

SCHEDULE 2

EXISTING BOREHOLES TO BE CONTINUED, MAINTAINED AND DUPLICATED FOR ABSTRACTION

Work No. (1)	Borough or District (2)	Parish (3)	Enclosure No. (4)	1/2500 O.S. Sheet No. (5)
1	Braintree	Birdbrook	4400 (part)	TL 72 43 (1960)
2	St. Edmundsbury	Stoke by Clare	7144 (part)	TL 74 44 (1960)
3	Braintree	Ashen	0027 (part)	TL 76 44 (1967)
4	Braintree	Pentlow	6125 (part)	TL 79 45 (1974)
5	St. Edmundsbury	Clare	0533 (part)	TL 77 46 (1975)
6	Babergh	Glemsford	3908 (part)	TL 83 49 (1957)
7	Babergh	Brent Eleigh	3569 (part)	TL 92 48 (1971)
8	St. Edmundsbury	Stoke by Clare	6507 (part)	TL 74 44 (1960)
9	St. Edmundsbury	Stoke by Clare	5466 (part)	TL 75 44 (1960)

SCHEDULE 3

EXISTING PIPELINES AND OUTFALLS TO BE CONTINUED AND MAINTAINED

Work No. (1)	Borough or District (2)	Parish (3)	From Grid Ref. (4)	To Grid Ref. (5)	1/2500 O.S. Sheet No. (6))
10	Babergh	Glemsford	TL 8340 4918	TL 8340 4920	TL 83 49 (1957)
11	Babergh	Brent Eleigh and Lavenham	TL 9239 4866 and TL 9240 4864	TL 9238 4859	TL 92 48 (1971)
12	Braintree	Birdbrook	TL 7248 4300	TL 7249 4303	TL 72 43 (1960)
13	St. Edmundsbury	Stoke by Clare	TL 7459 4437	TL 7459 4436	TL 74 44 (1960)
14	Braintree	Ashen	TL 7620 4425	TL 7621 4428	TL 76 44 (1967)
15	Braintree	Pentlow	TL 7967 4532	TL 7967 4536	TL 79 45 (1974)
16	St. Edmundsbury	Clare	TL 7716 4616	TL 7718 4615	TL 77 46 (1975)
17	St. Edmundsbury	Stoke by Clare	TL 7464 4413	TL 7465 4413 & 7465 4410	TL 74 44 (1960)
18	St. Edmundsbury	Stoke by Clare	TL 7547 4470	TL 7551 4466	TL 75 44 (1960)
22	St. Edmundsbury	Stoke by Clare	TL 7464 4413	TL 7400 4400	TL 74 44 (1960)

SCHEDULE 4

WATERCOURSES TO BE IMPROVED AND MAINTAINED

Work No. (1)	Borough or District (2)	Parish (3)	Limits of Improvement and Maintenance		1/2500 O.S. Sheet No. (6)
			From (4)	To (5)	
19	Braintree	Birdbrook	TL 7249 4303	TL 7254 4303	TL 72 43 (1960)
20	St. Edmundsbury	Stoke by Clare	TL 7459 4436	TL 7494 4413	TL 74 44 (1960)
21	Babergh	Glemsford	TL 8340 4920	TL 8339 4933	TL 83 49 (1957)

SCHEDULE 5
DISCHARGES OF WATER

Work No. from which discharge made (1)	Discharge Point Grid Ref. (2)	Receiving watercourse (3)	Maximum rate of discharge cubic metres per day (4)
10	TL 8340 4920	Ditch tributory of Fernhill Brook	3,000
11	TL 9238 4859	River Brett	6,500
12	TL 7249 4303	Ditch tributary of River Stour	10,000
13	TL 7459 4436	Ditch Tributary of River Stour	10,000
14	TL 7621 4428	River Stour	12,000
15	TL 7967 4536	River Stour	12,000
16	TL 7718 4615	Chilton Stream	10,000
17 & 22	(1) TL 7465 4413	(1) Ditch tributary of River Stour	285
	(2) TL 7465 4410	(2) Private Pond at Moor Hall	
	(3) TL 7400 4400	(3) Pond adjacent to Long Barn	
18	TL 7551 4466	Private Pond at Rum Bridge	140

Signed by authority of
the Secretary of State

J. Hobson,
An Under Secretary in the
Department of the Environment.

9th September 1986.

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