STATUTORY INSTRUMENTS

1979 No. 1499

WATER, ENGLAND AND WALES

The Welsh Water Authority (Cwmystradllyn Reservoir) Order 1979

Made - - - - 24th October 1979

Coming into Operation 2nd November 1979

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

Citation.

1. This order may be cited as the Welsh Water Authority (Cwmystradllyn Reservoir) Order 1979.

Interpretation.

2.—(1) In this order, unless the context otherwise requires:—

"the Authority" means the Welsh Water Authority;

"the deposited plan" means the plan and sections prepared in duplicate, signed by an Under Secretary in the Welsh Office and marked "Plan referred to in the Welsh Water Authority (Cwmystradllyn Reservoir) Order 1979", of which one duplicate is deposited and available for inspection at the offices of the Director of Administration of the Authority and the other at the offices of the Secretary of State for Wales;

"the reservoir" means Cwmystradllyn Reservoir authorised by the Lleyn Water Order 1952(c).

(2) References in this order to reference points shall be construed as references to the National Grid reference points.

(3) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as applied, extended or amended by, or by virtue of, any subsequent enactment, including this order.

Application of enactments.

3.—(1) In its application to this order Part I of the Compulsory Purchase Act 1965 shall have effect subject to the following exceptions and modifications:—

(*a*) at the end of section 4 there shall be added the following proviso—

"Provided that such powers shall in relation to any of the land be deemed to have been exercised if before the expiration of the said three years notice to treat has been served in respect of that land.";

(a) 1963 c. 38. (b) 1965 c. 56. (c) S.I. 1953/129.

(*b*) in section 11(2), at the end of the first paragraph thereof, there shall be inserted the words "(other than paragraph 3(3) thereof)";

(*c*) in section 11(3) for the words "not less than three nor more than fourteen days' notice" there shall be 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"; and

(*d*) section 27 shall be omitted.

(2) For the purposes of this order the provisions of section 2 (Permissible limits of deviation), section 8 (Persons under disability may grant easements etc.) and section 91 (Mode of reference to arbitration) of the Third Schedule to the Water Act 1945(a) shall apply to the Authority as the undertakers therein referred to and are hereby incorporated with this order subject, in the case of the said section 2, to the substitution for the words "the plans submitted to the Secretary of State" of the words "the deposited plan".

Purchase of land.

4. The Authority may purchase compulsorily for the purpose of the works authorised by this order, including the purposes of obtaining access thereto, obtaining materials for the construction thereof and the deposit of spoil, all or any of the lands described in the Schedule to this order.

Construction of works.

5.—(1) The Authority, being the owners of the reservoir, may construct and maintain, in the lines and situations and according to the levels shown on the deposited plan, the following works in the Community of Dolbenmaen, in the District of Dwyfor, in the County of Gwynedd:—

Work No. 1—A raising of the existing embankment of the reservoir between reference points SH 559440 and SH 557441;

Work No. 2—A new embankment between reference points SH 557441 and SH 556443 in extension of the said existing embankment as so raised.

(2) In addition to the works specifically authorised by paragraph (1) of this article, the Authority may, within the limits of deviation for the works authorised by this order, alter or replace the valve tower and spillway of the reservoir and related works.

(3) The Authority may, within the limits of deviation for the works authorised by this order, extend, enlarge, alter, replace or relay those works.

General power to construct subsidiary works.

6.—(1) Subject to the provisions of this order, the Authority in connection with, and for the purposes of, the works authorised by this order, in or over any lands in which they have sufficient interests or rights for the purposes of those works, may—

(*a*) make and maintain junctions and communications between any of those works and any watercourses and any existing roads, droves, ways, fords, bridges and footpaths;

(a) 1945 c. 42.

(*b*) 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 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;

(*c*) dispose of spoil or other material;

(*d*) execute any works for the protection of any adjoining lands or structures; and

(*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.

Diversion of footpath.

7.—(1) The Authority may divert the portion of the footpath in the Community of Dolbenmaen, in the District of Dwyfor, in the County of Gwynedd, shown upon the deposited plan and thereon denoted by the letters A to B, and may stop up and cause to be discontinued as a public right of way so much of the said footpath as will be rendered unnecessary by the diversion thereof under this article.

(2) Notwithstanding anything in paragraph (1) of this article but subject to article 8 of this order, no part of the said footpath shall be stopped up under this article until the new footpath to be substituted therefor is completed to the satisfaction of the Gwynedd County Council and is open for public use, or, in the case of difference between the Authority and the Gwynedd County Council, until the Secretary of State shall have certified that the new footpath has been completed to his satisfaction and is open for public use.

(3) The Authority shall not be required under this article to construct or complete any such footpath diversion, or any part thereof, to a greater width or better standard than the part of the footpath for which it is substituted.

(4) As from the stopping up under this article of any portion of the said footpath, all rights of way over or along the portion of the footpath so stopped up shall be extinguished, and the Authority may appropriate and use for the purposes of this order the site and soil thereof so far as they are in possession of the land on both sides thereof.

(5) The said footpath as diverted under this order shall be repairable by the authority or person by whom the footpath was repairable before its diversion and shall be subject to the same public rights of way as were exercisable over the footpath before its diversion.

Temporary stoppage of watercourses, highways, etc.

8.—(1) The Authority, during and for the purposes of the construction of any of the works authorised by this order, may temporarily stop up, alter, divert or otherwise interfere with any watercourse or highway or any private right of way, and, in the case of any highway or right of way, may, for any reasonable time divert the traffic therefrom and prevent all

persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

(2) The Authority shall provide reasonable access for foot passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) (*a*) The powers of paragraph (1) of this article shall not be exercised in relation to a highway without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by the Secretary of State.

(*b*) The powers of paragraph (1) of this article shall not be exercised in relation to any watercourse without providing a proper substitute before interrupting the passage of water in or through such watercourse, and the Authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any watercourse, the amount of such compensation being, in case of dispute, determined by arbitration.

SCHEDULE

Description of lands

Lands in the Community of Dolbenmaeh, in the District of Dwyfor, in the County of Gwynedd, comprising 14·7 hectares or thereabouts forming part of the enclosures numbered 257, 292, 293, 294, 296, 297, 343, 344, 345, 346, 347, 348, 349, 350, 368, 393, 394, 396, 396a, 397, 398, 399, 401, 402, 403, 404, 405, 406, 408, 409, 411, 455 and 456 in the said community on the 1/2500 ordnance map of Caernarfonshire Sheets XXXIV.3, XXXIV.4 and XXVII.15 (1915 editions) within the limits of land to be acquired shown on the deposited plan.

P. J. Hosegood,
An Under Secretary in the Welsh Office.

Signed by authority of the Secretary of State.
24th October 1979

Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office
51/P25502/9 O 42 K7 11/79

20p net

ISBN 0 11 094499 2