STATUTORY INSTRUMENTS

1978 No. 898

WATER, ENGLAND AND WALES

The Welsh Water Authority (River Clwyd Augmentation) Order 1978

Made - - - - 16*th June* 1978

Coming into Operation 26*th June* 1978

The Secretary of State for Wales, in exercise of the powers conferred by section 67 of the Water Resources Act 1963(a) and section 1 of the Water Resources Act 1971(b) 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 Welsh Water Authority (River Clwyd Augmentation) Order 1978 and shall come into operation on 26th June 1978.

(2) This order shall be included among the orders which may be cited together as the Welsh Water Authority Orders 1976 to 1978.

Interpretation.

2.—(1) In this order "the Authority" means the Welsh Water Authority.

(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, amended or varied by, or by virtue of, any subsequent enactment, including this order.

(4) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Construction of works.

3. Subject to the provisions of this order, the Authority may, in lands in which they have sufficient interests or rights for such purposes:—

(*a*) continue and maintain for the abstraction of water each of the boreholes referred to in column (1) of the following table, at the place and reference point specified opposite thereto in column (2) of that table, in the community in the district of Glyndwr, in the county of Clwyd, so specified in column (3) of that table, on the lands bearing the enclosure number for that community so specified in column (4) of that table as shown on the 1/2500 ordnance map sheet so specified in column (5) of that table:

(a) 1963 c. 38. (b) 1971 c. 34. (c) 1889 c. 63.

TABLE

Reference Letter of borehole (1)	*Place and reference point* (2)	*Community* (3)	*Enclosure Number* (4)	*1/2500 Ordnance Map Sheet Number* (5)
A	Plas yr Esgob SJ. 11256182	Llanynys Rural	1900	SJ.1161 and 1162 (Edition of 1967)
A1	Plas yr Esgob SJ.11346190	Llanynys Rural	1900	SJ.1161 and 1162 (Edition of 1967)
F	Llanynys SJ.09426372	Llanrhaeadr-yng-Nghinmerch	4265	SJ.0963 (Edition of 1967)
D	Pont Glan-y-Wern SJ.09056591	Llanrhaeadr-yng-Nghinmerch	0294	SJ.0865 and 0965 (Edition of 1966)

(*b*) continue and maintain the existing Bathafarn storage reservoir in the community of Llanfair Dyffryn Clwyd in the district of Glyndwr at reference point SJ.15195754;

(*c*) construct and maintain improvements of the unnamed watercourse in the communities of Llanbedr and Llanfair Dyffryn Clwyd in the district of Glyndwr consisting of an alteration, widening, deepening, strengthening, straightening, or diversion of portions of the bed and banks of so much of the said watercourse as lies between reference points SJ.15215761 and SJ.14055741.

General power to construct subsidiary works.

4.—(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 streets, roads, droves, ways, fords, bridges and footpaths;

(*b*) make, provide and maintain all necessary and convenient walls, banks, embankments, lagoons, gabions, piling, fences, gates, facilities for watering cattle and other animals, culverts, drains, intakes, syphons, channels, weirs, gauges, sluices, 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 buildings; 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.

Temporary stoppage of watercourses, highways, etc.

5.—(1) The Authority, during and for the purposes of the execution 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 *bona fide* going, with or without animals, 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 for Wales.

(*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.

(4) (*a*) The exercise of the powers conferred by this article in relation to a highway shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

(*b*) In this paragraph the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878(a).

Power to discharge water.

6. The Authority are hereby authorised to discharge water from the works authorised by this order specified in column (1) of the following table into each of the watercourses specified opposite thereto in column (2) of that table, at the point (or thereabouts) identified by the reference point, or (as the case may be) at points on that watercourse situated between the reference points, so specified in column (3) of that table, at a rate not exceeding the rate so specified in column (4) of that table:—

(a) 1878 c. 76.

TABLE

Works (1)	*Watercourse* (2)	*Reference Point* (3)	*Maximum rate of discharge (Million gallons per day)* (4)
The existing Bathafarn storage reservoir at SJ.15195754	Unnamed tributary of the Dwr Ial	Between SJ.15215761 and SJ.14055741	1.50
Boreholes A and A1	River Clwyd	SJ.11336192	1.32
Borehole F	Unnamed tributary of the River Clwyd	SJ.09426372	0.20
Borehole D	River Ystrad	SJ.09086590	0.22

Signed by authority of the Secretary of State

16th June 1978.

P. J. Hosegood,

An Under Secretary in the Welsh Office.

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