STATUTORY INSTRUMENTS

1978 No. 1645

WATER, ENGLAND AND WALES

The Yorkshire Water Authority (Arkengarthdale: Langthwaite Intake) Order 1978

Made - - - -	20*th June* 1978
Laid before Parliament	6*th July* 1978
Coming into Operation	13*th November* 1978

Whereas the Secretary of State for the Environment is empowered to make an order under section 23 of the Water Act 1945(a) as extended by section 3 of the Water Act 1948(b) and section 33(2) of the Compulsory Purchase Act 1965(c) for the purposes hereinafter appearing, but by virtue of the provisions of Part III of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946(d) as applied by paragraph 5 of the Schedule to the said Act of 1948 (which Part among other things, makes special provision with respect to the purchase of land which includes part of a common) the order is to be subject to special parliamentary procedure and will become operative only as provided by the Statutory Orders (Special Procedure) Acts 1945 and 1965(e).

Now therefore the Secretary of State for the Environment, in exercise of the powers hereinbefore recited and now vested in him(f), and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation.

1.—(1) This order may be cited as the Yorkshire Water Authority (Arkengarthdale: Langthwaite Intake) Order 1978.

(2) The Yorkshire Water Authority Orders 1974 to 1977 and this order may be cited together as the Yorkshire Water Authority Orders 1974 to 1978.

Interpretation.

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

"the Authority" means the Yorkshire Water Authority;

"the deposited plan" means the plan prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked "Plan referred to in the Yorkshire Water Authority (Arkengarthdale: Langthwaite Intake) Order 1978", one duplicate of which is deposited and available for inspection at the offices of the Solicitor to the Authority at West Riding House, 67 Albion Street, Leeds, and the other at the offices of the Secretary of State for the Environment;

(a) 1945 c. 42.
(b) 1948 c. 22.
(c) 1965 c. 56.
(d) 1946 c. 49.
(e) 9 & 10 Geo. 6. c. 18; 1965 c. 43.
(f) S.I. 1951/142, 1900, 1970/1681.

"the Third Schedule" means the Third Schedule to the Water Act 1945;

"the undertaking" means the water undertaking of the Authority as for the time being authorised by any enactment.

(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, any reference 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.

(4) 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 any subsequent enactment, including this order.

Incorporation of enactments.

3.—(1) In its application in relation to this order, Part I of the Compulsory Purchase Act 1965 shall have effect subject to the following exception and modification—

(*a*) section 27 (Acquiring authority to make good deficiencies in rates) shall be omitted; and

(*b*) subsection (2) of section 11 (Powers of entry) shall have effect as if at the end of the first paragraph thereof there were inserted the words "(other than paragraph 3(3) thereof)".

(2) (*a*) For the purposes of this order, the provisions of the Third Schedule which are specified in column (1) of Schedule 1 to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and subject as aforesaid, are hereby incorporated with this order; and

(*b*) for the purposes of section 13 of the Third Schedule as so applied and incorporated with this order, the prescribed distance shall be two hundred metres.

Power to construct works.

4. Subject to the provisions of this order, the Authority may construct and maintain in the lines and situations shown on the deposited plan and upon, over or under the lands delineated on that plan, the following works—

In the Parish of Arkengarthdale in the District of Richmondshire in the County of North Yorkshire—

Work No. 1a—An intake, service reservoir, chlorinator unit, pump house, access track, pipes, valve chambers and outfall and a surrounding fence on Arkengarthdale Moor at and adjacent to New Moulds Lead Level at reference point NZ 001023 on the 1:10560 Ordnance Survey Map (edition of 1956) sheets NZ 00 SW and NY 90 SE.

Work No. 1b—An access track between Work No. 1a and Work No. 1c.

Work No. 1c—Improvement and widening of an existing track on Arkengarthdale Moor between Work No. 1b and Bouldershaw Lane at reference point NY 998026 on the 1:10560 Ordnance Survey Map (edition of 1956) sheet NY 90 SE.

Work No. 2—A wall or heap of stones so placed as to block the entrance to the mine level known as Turf Moor Lead Level on Arkengarthdale Moor at reference point NY 993022 on the 1:10560 Ordnance Survey map (edition of 1956) sheet NY 90 SE.

Work No. 3—A wall or heap of stones so placed as to block the entrance to the mine level known as Fore Gill Lead Level on Arkengarthdale Moor at reference point NY 997012 on the 1:10560 Ordnance Survey Map (edition of 1956) sheet NY 90 SE.

Work No. 4—A reinforced concrete slab placed over the remains of a shaft connected with the mine level known as Underedge Lead Level on Arkengarthdale Moor at reference point NY 991029 on the 1:10560 Ordnance Survey map (edition of 1956) sheet NY 90 SE.

Work No. 5—A wall or heap of stones so placed as to block access at two points to the mine level known as Justice Lead Level on Arkengarthdale Moor at reference point NY 991027 on the 1:10560 Ordnance Survey map (edition of 1956) sheet NY 90 SE.

Work No. 6—A grille or fence so placed as to block the entrance to the mine level known as Moulds Old Lead Level in O.S. parcel number 223 at reference point NY 996026 on the 1:10560 Ordnance Survey map (edition of 1956) sheet NY 90 SE.

Works to form part of undertaking.

5. The works authorised by this order shall for all purposes form part of and be comprised in the undertaking.

Power to divert watercourses.

6.—(1) The Authority may divert and alter the course or the flow of water in, into or out of any watercourse on any lands acquired or appropriated by them for the works authorised by this order, and the existing bed, banks and channel of the diverted portions of any such watercourse shall by virtue of this order vest in the Authority and may be appropriated and used by the Authority for the purposes of or in connection with those works.

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

Temporary interference with highways, etc.

7.—(1) The Authority during and for the purposes of the execution of any of the works authorised by this order may temporarily alter, divert or otherwise interfere with any highway or any private right of way and 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 the right of way from passing along or 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) The powers of subsection (1) of this section 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 a person appointed by the President of the Institution of Civil Engineers.

(4) The exercise of the powers conferred by this section 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.

Purchase of land.

8.—(1) Subject to the provisions of this order, the Authority may purchase compulsorily for the purpose of the construction of the works authorised by this order all or any of the lands described in Schedule 2 to this order.

(2) Notwithstanding the provisions of subsection (1) hereof the Authority shall not so purchase any land which is required by the Authority solely for the construction of the access track (Work No. 1b) or for the improvement and widening of the existing track (Work No. 1c) if the owner of that land is able and willing to grant or sell to the authority (at a price to be agreed or, failing agreement, to be determined in accordance with the provisions of the Land Compensation Act 1961(a)) such easements and rights over and in that land as the Authority may require for the purpose of executing and maintaining the said works.

SCHEDULE 1

PROVISIONS OF THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Part II (Works and Lands)	In section 2 for the words "plans submitted to the Minister" there shall be substituted the words "deposited plans". In section 4 the words "and to any other provisions of the special Act limiting the powers of the undertakers to abstract water" shall be omitted; and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the lands delineated on the deposited plans;" and after the words "buildings" there shall be inserted the words "roads, means of access, means of electrical communication, embankments, fences, piers, bridges, chambers, meters, valves, discharge pipes, drains, overflows".

(a) 1961 c. 33.

Provisions applied (1)	Modifications (2)
Part IV (Minerals Underlying Waterworks)	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act;" for the words "all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works;" and the words "for the time being belonging to them" shall be omitted.
Section 82 (Power to enter premises)	—
Section 83 (Penalty for obstructing execution of special Act).	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 88 (Inclusion of several sums in one complaint, &c.)	—
Section 89 (Appeals and applications to courts of summary jurisdiction)	—
Section 90 (Appeals to quarter sessions against decisions of justices)	—
Section 91 (Mode of reference to arbitration)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 93 (Protection for works of navigation authorities and for catchment boards an railways)	—
Section 94 (Copies of the special Act to be kept by undertakers in their office, and deposited with certain officers)	—

SCHEDULE 2

Description of land to be acquired

Plots of land in the Parish of Arkengarthdale in the District of Richmondshire in the County of North Yorkshire respectively containing the following areas delineated on the deposited plan and thereon coloured pink and numbered as follows:—

A plot containing 4,104 square metres or thereabouts at New Moulds Lead Level and numbered 1.

A plot containing 25 square metres or thereabouts at Turf Moor Lead Level and numbered 2.

A plot containing 25 square metres or thereabouts at Fore Gill Lead Level and numbered 3.

A plot containing 25 square metres or thereabouts at Underedge Lead Level and numbered 4.

Two plots containing 25 square metres or thereabouts at Justice Lead Level and numbered 5.

A plot containing 25 square metres or thereabouts at Moulds Old Lead Level and numbered 6.

Peter Shore,
Secretary of State for the Environment.

20th June 1978.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order in pursuance of section 23 of the Water Act 1945 and section 3 of the Water Act 1948 authorises the Yorkshire Water Authority to construct a reservoir and to carry out minor works on Arkengarthdale Moor and to acquire land (including common land) for the purpose.

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