

SCHEDULES

SCHEDULE 8

PROTECTIVE PROVISIONS

PART 4

FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

Roman Bank

42.—(1) The undertaker must at its own cost engage the services of a suitably experienced chartered civil engineer to carry out an initial condition survey of the Roman Bank prior to carrying out the authorised development in, on, under, over or within 16 metres of the base of the Roman Bank.

(2) The inspection must be undertaken on foot with information recorded on both sides of the bank as well as the crest.

43. The undertaker must at its own cost engage the services of a suitably qualified surveyor to carry out a topographical survey of the parts of the Roman Bank within the Order limits to establish the continuous height of the Roman Bank prior to carrying out any authorised development in, on, under, over or within 16 metres of the base of the Roman Bank.

44. The initial condition survey in accordance with paragraph 42 must report on—

- (a) the height of the Roman Bank (based on the topographical survey undertaken under paragraph 43);
- (b) the structural condition of the Roman Bank including taking measurements and recording the location of any existing defects, such as cracks, holes, slumping burrows, scour; and
- (c) a photographic record of the inspection of the Roman Bank identifying the above elements using geo-referenced photographs or marked on maps with grid references.

45. The undertaker must provide to the Agency a copy of—

- (a) the initial condition survey; and
- (b) the topographical survey,

as soon as reasonably practicable following the undertaker's receipt of those documents.

46. The undertaker at its own costs will inspect, maintain and repair Roman Bank subject to the provisions in paragraph 47.

47. In respect of the Roman Bank only, this Part of Schedule 8 applies subject to the following variations—

- (a) the definition of “specified work” in paragraph 31(b) is to be read as—

“Prior to carrying out any works in, on, under, over or within 16 metres of the base of the Roman Bank which is likely to—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) endanger the stability of, cause damage to or reduce the effectiveness of the Roman Bank (in light of the condition assessed in the initial condition survey subject to any changes of condition or impacts on the effectiveness of the Roman Ban approved by the Agency); or
 - (ii) interfere with the Agency’s access to or along that defence.”;
- (b) paragraph 33 is subject to the following—

“Provided that the undertaker is not required to take any step which results in the Roman Bank exceeding the standards, efficiency for flood defence purposes, or otherwise reducing the risk of flooding based on the condition of the Roman Bank as assessed in the initial condition survey subject to any changes to condition as a result of specified works approved by the Agency.”;
- (c) paragraph 35(1) is subject to the following—

“Provided that the undertaker is not required to maintain or repair the Roman Bank or to keep it free from obstruction, to a standard greater than its condition as assessed in the initial condition survey subject to any changes to condition as a result of specified works approved by the Agency.”; and
- (d) paragraph 36 is subject to the following—

“Provided that the undertaker is not required to restore efficiency, damage or other impairments at the Roman Bank to a standard greater than its condition as assessed in the initial condition survey subject to any changes to condition as a result of specified works approved by the Agency.”.