

Land Drainage Byelaws, approved July 2017

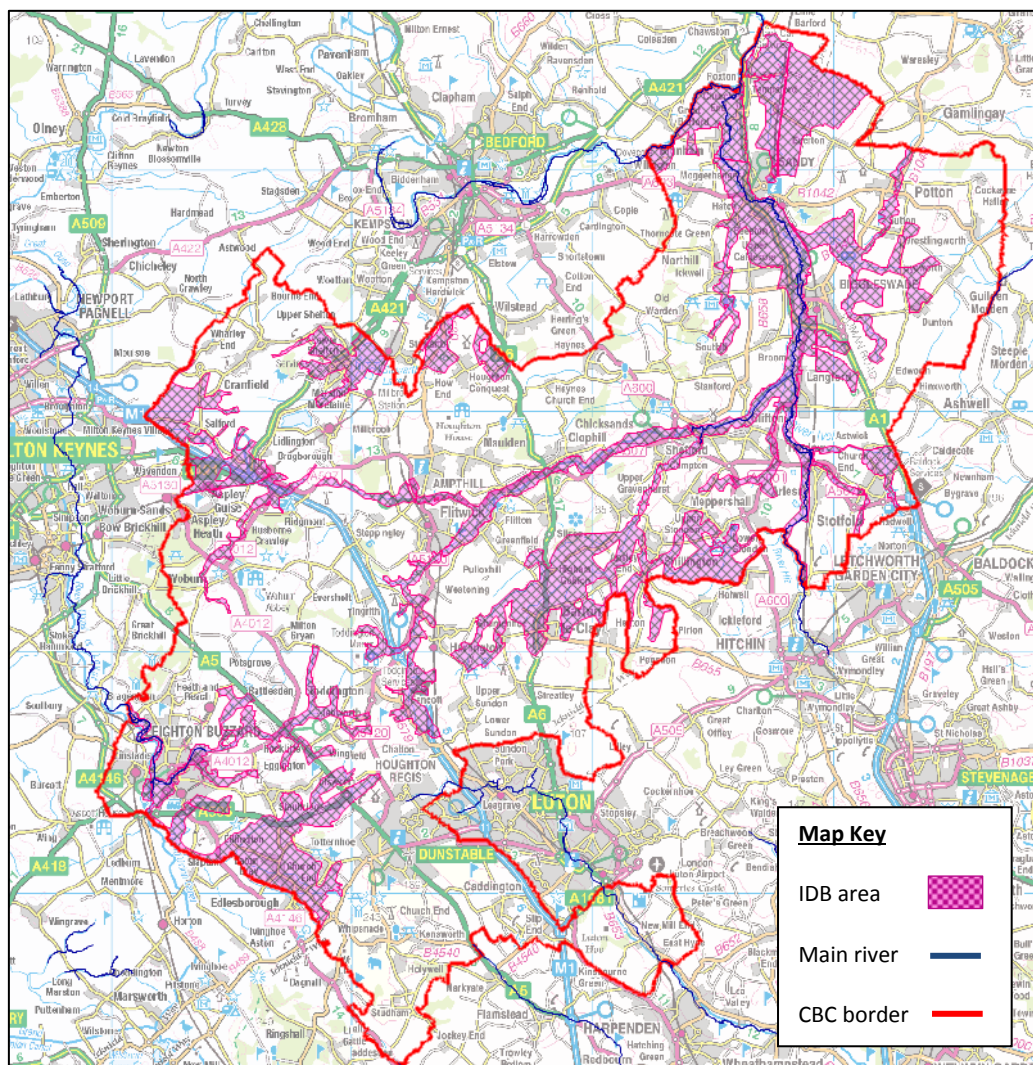
Guidance Note

The Land Drainage Byelaws were made by the Council under Section 66 of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act amended) and confirmed by the Department for Environment, Food and Rural Affairs (DEFRA). They came into operation on 7 July 2017. The byelaws set standards for compliance when undertaking works on or close to a watercourse for the purpose of preventing flooding, or remedying or mitigating any damage caused by flooding.

When the byelaws apply

The byelaws apply to any watercourse within Central Bedfordshire that:

- a) Is not designated as a 'main river' by the Environment Agency, and/or
- b) Is outside of the Bedford Group of Internal Drainage Boards' area (IDB).



The byelaws support the existing requirements for consent under the Land Drainage Act 1991 and should be considered by anyone planning works, new structures or development within close proximity to a watercourse.

To identify whether any proposed works will require consent under the Land Drainage Act 1991 or drainage byelaws please contact the Bedford Group of Internal Drainage Boards, who manage this process on the Council's behalf.

How to check the status of a watercourse

The Environment Agency's Flood Map for planning should be used to check if a watercourse is a main river, this can be viewed online here: <https://flood-map-for-planning.service.gov.uk/>.

The IDBs map of their area should be used to check if a watercourse is within this, this can be viewed online here: <http://www.idbs.org.uk/board-area-map/>.

New developments and the planning process

All new development proposals submitted to the Council as the Local Planning Authority must comply with the approved drainage byelaws.

Where a proposal concerns land adjacent to or containing a watercourse information should be provided with the application to demonstrate the byelaws have been met.

This is in addition to requirements for a Flood Risk Assessment and surface water drainage arrangements under the National Planning Policy Framework (NPPF).

What the byelaws cover

The byelaws are based on the 'Model Land Drainage Byelaws for Local Authorities' produced by DEFRA and are broadly similar to the byelaws that have been used for many years by the Bedford Group of IDBs.

The main controls that the byelaws provide are:

- An undeveloped 9m buffer strip to be maintained each side of an ordinary watercourse.
- Consents required for permanent works within the 9m strip, including under and over the watercourse.
- Restrictions on works that may directly or indirectly increase the flow or volume of water in an ordinary watercourse.

A full copy of the byelaws can be downloaded online:
www.centralbedfordshire.gov.uk/flood

Enforcement of the byelaws

These byelaws create criminal offences that can be prosecuted in the Magistrates' Courts if contravened, any person who acts in contravention or fails to comply with the proposed byelaws will be guilty of a criminal offence punishable in the Magistrate's Court by way of a fine.

Should a breach of a byelaw be discovered or suspected, the Council as the Lead Local Flood Authority may conduct an investigation and if there is evidence of a breach then enforcement action may be taken.

Where enforcement action is pursued, the Council as the Lead Local Flood Authority may serve notice under Section 66 (6) of the Land Drainage Act 1991, requiring any contravention of the proposed byelaws to be remedied within a period not exceeding 28 days. If the breach was not remedied within the specified time scale, the Council could use Section 66 (7) of the Land Drainage Act 1991 to undertake the necessary works and recharge the costs of such works to the offender. There is a statutory right to appeal an enforcement decision made by the Lead Local Flood Authority to an independent arbitrator.

Contact us...

by telephone: 0300 300 8000

by email: floodrisk@centralbedfordshire.gov.uk

on the web: www.centralbedfordshire.gov.uk/flood

Write to Central Bedfordshire Council, Priory House,
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ