

Report to the Council

Committee: Cabinet

Date: 19 May 2005

Portfolio Holder: Councillor D Jacobs

Item: 12 (d)

1. LAND DRAINAGE BYELAWS

Recommending:

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- (1) That the Land Drainage Byelaws attached as an Appendix be adopted and sealed;**
 - (2) That, when made, the byelaws be advertised in the local press in accordance with the Local Government Act 1972;**
 - (3) That the byelaws be deposited for public inspection for a period of six weeks;**
 - (4) That all town parish councils be consulted on the byelaws; and**
 - (5) That, at the end of the consultation period, and, subject only to a further report if unresolved objections are made, the byelaws be submitted to DEFRA for confirmation.**
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- 1.1 The existing District Council Land Drainage Byelaws 1983 were made under Section 34 of the Land Drainage Act 1976 and they still refer to this Act.
- 1.2 The 1976 Act was preceded by the Land Drainage Act 1991. Although the existing byelaws remain in force under the new Act, there have been numerous instances where members of the public and their agents have queried references to the 1976 Act. Whilst most legal representatives are aware of the position, confusion still exists especially with regard to enforcement issues.
- 1.3 The opportunity has been taken to update the byelaws, especially as they are now to be placed on the Council's Website.
- 1.4 In addition to updating the byelaws in line with the Land Drainage Act 1991, the byelaws have been made more "user friendly" without altering their meaning at law.
- 1.5 The proposed byelaws are based on the model Land Drainage Byelaws for Local Authorities produced by DEFRA and will allow efficient management of flood risk and enforcement.
- 1.6 The proposed byelaws have been drawn up following consultation with the Corporation of London, the Conservators of Epping Forest, The Lee Valley Regional Park Authority, town and parish councils and the Environment Agency.