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## Land Drainage and Sea Defence Byelaws

Anglian Region  
October 2008

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October 2008

## Anglian Water Authority Land Drainage and Sea Defence Byelaws

The Anglian Water Authority Land Drainage and Sea Defence Byelaws are the Land Drainage and Sea Defence Byelaws in force in the Anglian region of the Environment Agency.

They were made by the Anglian Water Authority under Section 34 of the Land Drainage Act 1976 for securing the efficient working of the drainage system in their area. Since the 1st September 1989 they were enforced by the National Rivers Authority and are currently enforceable by the Environment Agency by virtue of the provisions of the Water Resources Act 1991. Accordingly all references in these Byelaws to “the Authority” should be construed as references to the Environment Agency (Anglian Region) whose principal Regional Office is at Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, Cambridgeshire PE2 5ZR.

## Environment Agency Anglian Region Land Drainage and Sea Defence Byelaws

The Anglian Water Authority under and by virtue of the powers and authority vested in them by Section 34 of the Land Drainage Act 1976 and of every other power enabling them in that behalf hereby make the following Byelaws for securing the efficient working of the drainage system in their area:-

### 1. APPLICATION OF BYELAWS

These Byelaws shall have effect within the Anglian Water Authority area for the purposes of their functions relating to land drainage, and except where otherwise stated shall apply only to the main rivers and the sea and tidal defences of the Authority's area.

# PART 1 - MAIN RIVER

## 2. RIVER CONTROL WORKS - USE AND MAINTENANCE

Any person having charge of any river control work shall:-

- (a) maintain such river control work in a proper state of repair and efficiency to the reasonable satisfaction of the Authority;
- (b) use such river control work in such manner as not to affect the efficient working of the drainage system of the area; and
- (c) comply with such reasonable directions as may from time to time be given by the Authority with a view to the prevention of flooding or any shortage in the flow or supply of water or otherwise to the efficient working of the drainage system of the area

### PROVIDED THAT

- (1) this Byelaw shall apply also to river control works which regulate the flows of water from any watercourse into the main river or from the main river into any watercourse.
- (2) Byelaw 41(1) shall not apply to a direction of the Authority under this Byelaw.

## 3. RIVER CONTROL WORKS - DISCONTINUANCE - REMOVAL - ALTERATION - REPAIR

- (1) No person having charge of a river control work shall, without the previous consent of the Authority:-
  - (a) discontinue the use thereof, or remove the same, or
  - (b) carry out any alteration or reconstruction of, or addition, reduction or repair to the river control work;

**PROVIDED THAT** the foregoing shall not apply to any action taken in an emergency so long always as notice in writing of such action is given to the Authority as soon as practicable.

- (2) In any case where notice is given to the Authority by virtue of the proviso to paragraph (1) above the Authority may, by notice in writing, direct the person having charge of the river control work to take such action with regard to the river control work and within such reasonable period as is specified in the notice and the person having charge of the river control work shall thereafter comply with those directions.

- (3) In any case where the consent of the Authority under paragraph (1) above is refused the Authority may, by resolution (due notice whereof shall be given to the person having charge of the river control work) assume responsibility for the maintenance and use of the river control work.

## 4. PREVENTION OF INTERFERENCE WITH RIVER CONTROL WORKS

No person shall without lawful authority or excuse interfere with or remove or in any way damage any river control work, drainage work, bridge, building, access road, or any structure, appliance or property whatsoever vested in or under the control of the Authority for the purpose of or in connection with their functions relating to land drainage.

## 5. ALTERATION OR DIVERSION OF FLOW

No person shall without the previous consent of the Authority divert or permit to be diverted the direction of the flow of water into, in or out of the main river or alter or permit to be altered the level of water in the main river.

## 6. OBSTRUCTION TO FLOW

- (1) No person shall so as to directly or indirectly obstruct, impede or interfere with the flow of water in, into or out of the main river or so as to damage the banks thereof:-
  - (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into and remain in the main river any object or matter of any kind whatsoever whether solid or liquid
  - (b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to the main river in such manner as to render the same liable to drift or be carried into the main river in time of flood.

**PROVIDED THAT** nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice on any land adjoining the bank of the main river.

- (2) Any person who contrary to the terms of this Byelaw discharges puts causes to fall or permits to be discharged put or caused to fall or flow in or into the river any such object or matters as referred to in sub-paragraph (1)(a) of this Byelaw shall upon being required by the Authority by notice in writing so to do remove the same at his own expense within such reasonable time as may be specified in the notice.

## 7. CONTROL OF VERMIN IN BANKS

- (1) The occupier of any bank of the main river or washland or any part thereof shall upon being required by the Authority by notice in writing within such reasonable time as may therein be specified take such steps as may from time to time be necessary and reasonably practicable for preventing the bank becoming infected by rabbits, rats, mink, moles, coypu and any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981.

**PROVIDED THAT** in taking such steps as aforesaid he shall not do or cause or permit to be done anything of such a nature as to cause damage to or endanger the stability of the bank.

- (2) The occupier of any land in which the bank of the main river or washland or any part thereof is situated shall upon being required by the Authority by notice in writing within such reasonable time as may be specified therein fill in and make good any holes or burrows in the bank of the main river or any watercourse flowing into the main river or any washland caused by rabbits, rats, mink, moles, coypu or any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981.

## 8. NOTICE TO REMOVE GROWTH IN OR ON BANKS AND RIVER CONTROL WORKS

- (1) This Byelaw shall apply to the main river or any watercourse flowing directly there into or any washland and shall have effect for the purpose of preventing any obstruction or impediment to or interference with the flow of water into, in or out of the main river or the watercourse as the case may be and for the purpose of preserving the main river or the watercourse or the banks thereof as the case may be from damage or destruction.
- (2) The occupier of any bank of the main river or any watercourse flowing into the main river any washland or any part thereof or any river control work shall upon being required by the Authority by notice in writing within such reasonable time as may therein be specified cut down such trees, willows, shrubs, grasses, reeds, rushes or weeds in or on the bank of the river or watercourse or river control work as may be specified by such notice and shall remove the same from the river or watercourse or washland or river control work as the case may be as soon as reasonably practicable after the cutting thereof

## PROVIDED THAT:-

- (a) Where a hedge is growing on the bank of the river or watercourse nothing in this Byelaw shall extend to require more than the pruning of the hedge so as to prevent it growing over or into any such watercourse, and the removal of the resultant cuttings; and
  - (b) In giving any notice under this Byelaw the Authority shall, so far as is reasonably practicable, have regard to any established system of weedcutting operations upon any such watercourse.
- (3) The occupier of any bank of the main river or any watercourse flowing into the main river or washland or any part thereof or any river control work shall upon being required to do so by the Authority by notice in writing within such reasonable time as may be specified remove any fallen trees or willows or any fallen limbs or branches thereof from the river or watercourse or washland as the case may be.

## 9. REPAIRS TO BUILDINGS AND STRUCTURES

The owner of any building or structure in under or over the main river or on the banks thereof shall, upon receipt of a notice from the Authority that because of its state of disrepair:-

- (i) the building or structure is or is likely to cause an obstruction to the flow of the main river, or
- (ii) the building or structure is causing or is likely to cause damage to the bank of the main river

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

**PROVIDED THAT** Byelaw 41(1) shall not apply to a notice to be given or served by the Authority under this Byelaw.

## 10. CONTROL OF ANIMALS

The occupier of any land through which the main river flows or which abuts on the main river shall, if reasonably required to do so by an officer of the Authority ensure that during the progress of any work carried out by the Authority its servants or agents or during any inspection by the Authority its servants or agents on such land or on so much of the main river as is co-extensive therewith animals are not kept on that land or, if kept thereon, are kept under proper control and supervision.

## 11. DRIVING OF ANIMALS AND VEHICLES ON BANKS ETC

No person shall without the written consent of the Authority ride, drive or cause or permit to be ridden, driven or otherwise propelled any animal or vehicle of any description whatsoever over, along or adjacent to any bank or any main river, drainage work, river control, bridge or culvert vested in or under the control of the Authority in such a manner as to cause damage to such bank, drainage work, river control work, bridge or culvert; and will not submit such banks, structures and defences to a greater weight than may from time to time be prescribed by the Authority (to be indicated by notice on such bank, drainage work, river control work, bridge or culvert or any road leading thereto) as the traffic weight of such bank, drainage work, river control work, bridge or culvert.

**PROVIDED THAT** this Byelaw shall not apply to a bank, drainage work, river control work, bridge or culvert carrying a highway maintainable at the public expense.

## 12. DAMAGE TO BANKS BY GRAZING OF ANIMALS

Any person using or causing or permitting to be used any bank of the main river for the purpose of grazing or keeping any animal thereon shall take such steps as are necessary and reasonably practicable to prevent the banks or the channel of the main river from being damaged by such use **PROVIDED THAT** nothing in this Byelaw shall be deemed to affect or prevent the use of any bank for the purpose of enabling stock to drink at any place to be made or constructed for that purpose as may be approved by the Authority.

## 13. ACTS ENDANGERING THE STABILITY OF OR CAUSING DAMAGE TO BANKS OR DRAINAGE WORKS

No person shall without the previous consent of the Authority:-

- (a) cut or pare or remove or cause or permit to be cut or pared or removed any turf from a part of the bank of the main river or any drainage work;
- (b) dig for or remove or cause or permit to be dug for or removed any fishing bait on or in the bank of the main river, or of any drainage work;
- (c) dig or remove, excavate, set alight, disturb, disperse or cause or permit to be dug or removed, excavated, disturbed or dispersed any sand, shingle, chalk, soil, slag, stones, pitching, revetment, concrete, gravel, small coal, clay, earth, timber, gabions, wattle, piles or any material whatsoever forming part of the bank of the main river, drainage work or river control work;

- (d) remove, disturb, displace, set alight or injure any groynes, breakwaters, piles, planks, mattresses, scaffolding, fences, steps, gates, windbreaks, wattles, netting, faggots, thorns, stakes, bags, sacks or other works or materials belonging to or set up, collected, stored, arranged or maintained by the Authority for the purpose of protecting, maintaining and improving the bank of the main river, drainage work or river control work;
- (e) make or cause or permit to be made any excavation or do or cause or permit to be done anything in or upon the land adjoining the bank of the main river, drainage work or river control work or such a nature as to cause damage to or to endanger the stability of the bank, drainage work or river control work.

## 14. ERECTIONS, EXCAVATIONS, ETC. AFFECTING BED OR BANKS OF RIVER

No person shall without the previous consent of the Authority:-

- (a) erect or construct or cause or permit to be erected or constructed any building, pylon, wall, fence, wharf, jetty, quay, pier, loading stage, landing place, piling, groyne, revetment, steps, staging gangway, mooring or any other building or structure whatsoever or place or install or cause to be placed or installed any crane, elevator or other machinery or plant whatsoever in the main river or within 9 metres measured horizontally from the foot of any bank of the landward side or where there is no bank with 9 metres measured horizontally from the top edge of the batter enclosing the river;
- (b) make or cut or cause or permit to be made or cut any excavation or tunnel or any drain, culvert or other passage for water or any liquid whatsoever into, in out of or under the main river or through any bank of the river or drainage work, washland or river control work or within 9 metres of such work;
- (c) place or affix or cause or permit to be placed or affixed any gas or water main or any sewer or other pipe whatsoever or any supports in respect thereof or any wire, barbed wire, fencing or barrier or any electric main or cable or any private telephone wire or cable or any radio transmission or distribution cable or wireless aerial in, over or under the main river or in, over under or through any bank, drainage work, washland or river control work or within 9 metres measured horizontally from the foot of any bank on the landward side or where there is not bank within 9 metres measured horizontally from the top edge of the batter enclosing the river;

### **PROVIDED THAT**

- (1) any person may execute any temporary works as aforesaid in case of emergency but shall forthwith inform the Authority thereof and comply with any directions which the Authority may give with regard thereto;
- (2) Byelaw 41(1) shall not apply to a direction of the Authority under this Byelaw;
- (3) nothing in this Byelaw shall render it necessary for the consent of the Authority to be obtained to the erection elsewhere than in or over the main river of a fence consisting of timber posts and rails or timber posts and wire and erected for agricultural purposes.

### **15. PLANTING OF TREES ON ADJOINING BANKS**

No person shall without the previous consent in writing of the Authority plant any tree, shrub, willow or other similar growth within 8 metres measured horizontally from the foot of any bank of the main river on the landward side or where there is no bank within 9 metres measured horizontally from the top edge of the batter enclosing the main river or in relation to any part of the main river that is contained in a culvert, over the culvert or within 9 metres of either side of it.

### **16. DREDGING OPERATIONS**

No person shall dredge or raise or take or cause or permit to be dredged or raised or taken any sand, ballast, clay or other materials from the bed or bank of the main river so as to cause damage to or endanger the stability of such bank or any drainage works thereon or therein except with the previous consent of the Authority.

### **17. DEPOSIT ON BANKS ETC**

No person shall use or cause or permit to be used any bank of the main river or drainage work or river control work for the purpose of depositing, stacking, storing or keeping any rubbish or goods or any material or things thereon in such manner as by reason of the weight, volume or nature of such rubbish, goods, material or things to cause damage to or endanger the stability of the bank or drainage work or river control work or interfere with the right of the Authority to deposit spoil on the banks or otherwise prevent or hinder the carrying out of land drainage works.

### **18. PROHIBITION OF HEAPS ON FLOOD PLAIN**

No person shall without the previous consent of the Authority construct, erect, form or cause or permit to be constructed, erected or formed on

land adjacent to the normal channel of the main river and over which flood waters may flow any heap of material which is of such size or character or is placed in such a position as to be likely to divert or obstruct the flow of flood water and (either on its own or together with other heaps of material which have been or are likely to be so constructed, erected or formed) to affect adversely the efficient working of the drainage system of the Authority area.

### **PROVIDED THAT**

- (1) this Byelaw shall not apply to temporary works constructed or carried out in an emergency provided that notice thereof shall forthwith be given in writing to the Authority and that such works shall be removed if so requested by and in accordance with the directions of the Authority;
- (2) such consent shall not be required in relation to any construction erection or formation as aforesaid in respect of which planning permission has been granted by a local planning authority or by the Secretary of State on an application in that behalf made to a local planning authority;
- (3) such consent shall not be required in relation to the making of hay and straw stacks, sugar beet, potato and other clamps and manure heaps and the like in the ordinary course of accepted agricultural practice;
- (4) Byelaw 41(1) shall not apply to a direction of the Authority under this Byelaw.

### **18A. CONTROL OF WASHLANDS**

- (1) No person shall without the previous consent in writing of the Authority construct, erect, farm, plant or deposit or cause or permit to be constructed, erected, farmed, planted or deposited on any washland any heap of material, any structure, any building, any tree or any soil provided that nothing in this Byelaw shall prevent any person from carrying on normal agricultural operations or acts of good husbandry and estate management (including fencing, hedging and ditching) not materially affecting the free passage and flow of water.
- (2) Byelaw 41 shall not apply to the operation of this Byelaw.

### **19. MOORING OF VESSELS**

No person shall moor or place any vessel in such manner as to obstruct or impede the free flow of water into, in or out of the main river or cause damage to the banks of the main river.

## 20. UNATTENDED VESSELS

No person shall allow any unattended vessel to obstruct or impede the free flow of water into, in or out of the main river so as to impair the efficiency of any drainage work or river control work. No person shall moor an unattended vessel within 50 metres of any river control work.

## 21. NOTICE TO REMOVE VESSEL OBSTRUCTING THE RIVER

Where any vessel is moored or lying in such a position as is likely to interfere with any lawful operation of the Authority the owner or person having charge of such vessel shall within seven days after receipt of notice to that effect from the Authority remove the vessel for such length of time as the Authority may reasonably require for the completion of such operations.

In the event of emergency the Authority may remove any such vessel without prior notice provided that the Authority shall make such efforts as are practicable to inform the owner or person having charge of the vessel before the said removal, and shall, in any case inform the owner or person having charge of the vessel as soon as practicable thereafter.

## 22. SUNKEN STRANDED AND ABANDONED VESSELS

No person who is the owner of a vessel sunk, stranded, damaged or adrift in the main river or in the case of a vessel which is abandoned who was the owner or person having charge immediately before the abandonment shall after receipt of notice from the Authority that the vessel is causing an obstruction permit the vessel to remain in the river in such manner as to impede or harmfully divert the flow of water into, in or out of the main river or to endanger the stability of any drainage work.

**PROVIDED THAT** Byelaw 41(1) shall not apply to a notice given or served by the Authority under this Byelaw.

## 23. NAVIGATION/SPEED LIMITS

No person shall in the main river navigate any mechanically powered vessel in such manner or at such speed so as to injure any bank, drainage work or river control work and where the Authority has by notice limited the speed of such vessels navigating along any length of the river no person shall navigate such a vessel over the bed of the river at a speed greater than the speed so limited.

**PROVIDED THAT** the Authority shall not exercise its powers under this Byelaw to limit the speed of such vessels in any tidal waters except after consultation with the Secretary of State for Transport.

# PART 2 - SEA AND TIDAL DEFENCES

## 24. REPAIRS TO BUILDINGS ON SEA DEFENCES

Any person who is responsible for the maintenance in proper repair of any building, structure or erection in, on, or over or under any sea defences shall, on receipt of a Notice from the Authority, that the building, structure or erection is causing or is likely to cause by reason of its disrepair, damage to the sea defences, carry out to the satisfaction of the Authority such reasonable and practicable repairs or other works as may be specified in the Notice and necessary for the purpose of preventing such damage to the sea defences.

**PROVIDED THAT** Byelaw 41(1) shall not apply to a notice to be given or served by the Authority under this Byelaw.

## 25. CONTROL OF ANIMALS

The occupier of any land upon which sea defences are situated or which abuts on sea defences shall, if reasonably required to do so by an officer of the Authority, ensure that, during the progress of any work carried out by the Authority its servants or agents or during any inspections by the Authority its servants or agents on such sea defences animals are not kept on that land or, if kept thereon, are kept under proper control and supervision.

## 26. ACTS ENDANGERING STABILITY OF OR CAUSING DAMAGE TO SEA DEFENCES

No person shall without the previous consent of the Authority:-

- (a) disturb or remove or cause to be disturbed or removed any material whatsoever lying on the bed of the sea in the neighbourhood of any groyne or other works in the sea (other than groynes or works of a Navigation, Harbour, Pilotage or Conservancy Authority) which was set up for the purpose of securing the proper defence against sea or tidal water of any part of the Authority Area;
- (b) disturb or remove or cause to be disturbed or removed any material whatsoever from:-
  - i) any part of the Authority Area below the line of high water mark of mean spring tides or from any deposits or accretions resulting from any works carried out by the Authority or its predecessors;

- ii) any part of the area lying between the line of high water mark of mean spring tides and the foot of the landward side of any sea defences;
- iii) any part of the area lying between the foot of the landward side of any sea defences and a line measured on the landward side of any such sea defences at a distance of 200 metres from and parallel to the foot of the landward side thereof.

**PROVIDED THAT**

- (1) nothing in this paragraph of this Byelaw shall restrict, prevent or interfere with the normal cultivation of any land;
- (2) where the sea defence comprises a beach or other natural or artificial bank or high ground with no identifiable landward side the distance for the purposes of this Byelaw shall be the distance of 250 metres from the line of high water mark of mean spring tides.
  - (c) make or cause or permit to be made any excavation or do or cause or permit to be done anything in or upon any land or cliff adjoining the sea defences of such a nature as to cause damage to or endanger the stability of the sea defences;
  - (d) cut down, trample down, dig up, kill, injure, destroy, carry away, set alight or interfere with any herbage, marram grass, shrubs, trees or other vegetation growing upon the sea defences;
  - (e) remove, disturb, displace, set alight, injure or destroy any groynes, breakwaters, piles, planks, mattresses, scaffolding, gabions, fences, steps, gates, windbreaks, wattles, netting, faggots, thorns, stakes, bags, sacks or other works or materials belonging to, set up, collected, stored, arranged or maintained by the Authority for the purpose of protecting, maintaining or improving the sea defences or the beach and foreshore fronting the same.

**27. ERECTIONS, EXCAVATIONS, ETC, AFFECTING SEA DEFENCES**

No person shall without the previous consent of the Authority:-

- (a) erect, set up, place, deposit or maintain or cause, authorise or permit to be erected, set up, placed, deposited or maintained in, on, over or under the sea defences or any part thereof or any part of the area lying between the foot of the landward side of any sea defences and a line drawn on the landward side of any such sea defences at a distance of 9 metres from and parallel to the foot of the landward side thereof or any

part of the area lying between low water mark of medium tides and the seaward side of any sea defences any structure, building or erection or any caravan or vehicle or any fence, gate or steps or any material or thing **PROVIDED THAT** nothing in this paragraph of this Byelaw shall apply to land on the landward side of a highway maintainable at the public expense (or any bridge over which such highway passes) not being a public bridle path or public footpath;

- (b) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water or other liquid of any kind whatsoever in, under, or through any sea defences;
- (c) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or cable or wire in, under over or through any sea defences;
- (d) plough or cause or permit to be ploughed any sea defences or any part of the land lying between the foot of the landward side of any sea defences and a line drawn on the landward side of such sea defences at a distance of 10 metres from and parallel to the foot of the landward side thereof;
- (e) make, or cause or permit to be made any fire on or within 10 metres of any sea defences;
- (f) plant, or cause or permit to be planted, any tree or shrub on the sea defences

**PROVIDED THAT**

- (1) this Byelaw shall not apply to temporary works constructed or carried out in an emergency provided that notice thereof shall forthwith be given in writing to the Authority and that such works shall be removed if so requested by and in accordance with the directions of the Authority;
- (2) Byelaw 41(1) shall not apply to a direction of the Authority under this Byelaw;
- (3) Nothing in this Byelaw shall render it necessary for the consent of the Authority to be obtained to the erection elsewhere than on the sea defences of a fence consisting of timber posts and rails or timber posts and wire and erected for agricultural purposes;
- (4) For the purposes of this Byelaw and Byelaw 29 where the sea defences comprise a beach or other natural or artificial bank or high ground with no identifiable landward side then the landward side thereof shall be



deemed to be a line drawn 250 metres from and parallel to the line of high water mark of mean spring tides.

### **28. DRIVING OF ANIMALS AND VEHICLES ON SEA DEFENCES**

No person shall without the previous consent of the Authority take or drive or permit or cause to be taken or driven any animal or vehicle of any kind whatsoever whether mechanically propelled or not on, over or along the sea defences except for the purpose of crossing the sea defences at or by any existing public or private pull-over or cart gap or at or by any other place for the time being authorised by the Authority.

### **29. DEPOSIT ON SEA DEFENCES**

No person shall without the previous consent of the Authority deposit, stack, store or keep or permit to be deposited, stacked, stored or kept any rubbish or goods or any material or things in, on, over or under the sea defences or any part thereof or any part of the area lying between the foot of the landward side of any sea defences and a line drawn on the landward side of any such sea defences at a distance of 9 metres from and parallel to the foot of the landward side thereof so as to cause damage to or endanger the stability of the sea defences or interfere with the right of the Authority to access to and along them and to deposit spoil thereon or to carry out works on or along the sea defences. See Byelaw 45 in conjunction with proviso (4) of Byelaw 27 for the definition of “sea Defences”.

### **30. PREVENTION OF INTERFERENCE WITH SEA DEFENCES**

No persons shall without lawful authority or excuse damage interfere with or remove any sea defences, building, access road, or any structure, appliance or property whatsoever vested in or under the control of the Authority for the purpose of or in connection with their functions relating to defence against sea or tidal water.

### **31. MAINTENANCE AND ALTERATION OF FLOODGATES, ETC**

Any person having charge of any floodgate, lock, sluice or other structure or appliance provided or constructed for the purposes of defence against sea or tidal waters shall maintain such floodgate, lock, sluice or other structure or appliance in a proper state of repair and efficiency to the reasonable satisfaction of the Authority and shall not discontinue the use thereof or remove the same or carry out any alteration, reconstruction, addition or reduction to the same without the previous consent of the Authority.

### **32. CONTROL OF VESSELS**

No person shall:-

- (a) Allow any vessel to cause injury to or obstruct the sea defences or any groyne or other works in the sea or in tidal waters;
- (b) anchor, or moor or place any vessel to or upon any sea defences in such a manner or by such method as to cause injury to such sea defences.

### **33. CONTROL OF VERMIN ON SEA DEFENCES**

- (a) The occupier of any land upon which any sea defences are situated or any part thereof shall upon being required by the Authority by notice in writing within such reasonable time as may therein be specified take such steps as may from time to time be necessary and reasonably practicable for preventing the sea defences from becoming infested by coypu, rabbits, rats, mink, moles and any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981;
- (b) The occupier of any land in which sea defences are situated or any part thereof shall upon being required by the Authority by notice in writing within such reasonable time as may be specified therein fill in and make good any holes or burrows in the sea defences caused by coypu, rabbits, rats, mink, moles or any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981.

**PROVIDED THAT** in taking such steps as aforesaid he shall not do or cause or permit to be done anything of such a nature as to cause damage or endanger the stability of the sea defences.

### **34. DAMAGE TO SEA DEFENCES BY GRAZING OF ANIMALS**

Any person using or causing or permitting to be used any sea defences for the purpose of grazing or keeping any animal thereon shall:-

- (1) take all such steps as are necessary and reasonably practicable to prevent the sea defences from being damaged by such use;
- (2) report to the Authority any damage caused to the sea defences by such grazing or keeping or animals as soon as practicable following the occurrence of such damage.

# PART 3 - SUPPLEMENTARY PROVISIONS

## 35. INTERFERENCE WITH NOTICES

No person shall deface or remove any notice board, notice or placard put up by the Authority.

## 36. OBSTRUCTION OF THE AUTHORITY'S OFFICERS

No person shall obstruct, interfere with or resist any officer or agent or servant of the Authority properly exercising any of their powers or duties under these Byelaws.

## 37. ENTRY ONTO THE AUTHORITY'S LAND

No person shall without lawful authority enter upon any land belonging to, or in the occupation of the Authority, where there is prominently displayed upon or near the land a notice prohibiting entry and such entry is likely to endanger any person or property.

## 38. NOTICES

Any consent notice or other document required or authorised to be given or served under these Byelaws shall be sufficiently given or served if given in writing under the hand of a duly authorised officer of the Authority and served in the manner provided in Section 108 of the Land Drainage Act 1976. For the purposes of these Byelaws the word "premises" referred to in Section 108 of the Act shall include a vessel.

## 39. APPLICATION FOR CONSENT

Any application made under these Byelaws for the consent of the Authority for the doing of any act or for the approval of the Authority to any act, matter or thing shall be made in writing and the applicant shall furnish therewith all such plans, drawings and other relevant information in relation to such application as the Authority may reasonably require.

## 40. POWER TO IMPOSE TERMS AND CONDITIONS TO CONSENT

Whereby these Byelaws any person is required to refrain from doing any act without the consent of the Authority any such consent may be given subject to such reasonable terms and conditions as in the opinion of the Authority are necessary to secure the efficient working of the drainage system of the Authority's area.

## 41. DETERMINATION OF DISPUTES

- (1) Whereby or under these Byelaws (except Byelaws 2(c), 9, 14(1), 18(1), 22 and 24) any person is required by a notice in writing given by the Authority to do any work to the satisfaction of the Authority or to comply with any directions of the Authority, he may within 14 days after the service of such notice on him give to the Authority a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Authority the dispute shall be determined as hereinafter provided.

Where such a counter-notice has been given to the Authority the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw.

- (2) Any dispute as to whether the consent of the Authority under these Byelaws (except Byelaw 18A) to the doing of any act has been unreasonably withheld, or as to whether any conditions subject to which such consent is granted are unreasonable, or as to the satisfactory execution of any work which is required by a notice given by the Authority under these Byelaws to be done, or as to compliance with any directions which the Authority is empowered by these Byelaws to give, shall be determined as hereinafter provided.
- (3) Such a dispute shall if it arises between a drainage authority or a local authority and the Authority be referred to the Minister whose decision shall be final. In any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

## 42. BREACH OF CONDITIONS OF CONSENT

Where the Authority give their consent under these Byelaws for the doing of any act subject to any conditions they are authorised to impose a breach of the conditions shall be deemed as regards liability to a fine and other consequences equivalent to the doing of the act without the required consent.

## 43. APPLICATION TO CROWN

Nothing in these Byelaws shall operate to prevent the removal of any substances on, in or under or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under lands belonging to

Her Majesty in right of the Crown by any person there unto authorised by the Crown Estate Commissioners.

#### 44. SAVINGS FOR LOCAL AUTHORITIES, STATUTORY UNDERTAKERS, ETC

Nothing in these Byelaws shall:-

- (a) interfere with the operation of any Byelaws made by a Navigation, Harbour, Pilotage or Conservancy Authority or any of their Regulations or Directions made pursuant to statute but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the due and proper exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by:
  - (i) a drainage authority;
  - (ii) any statutory water undertakers as defined in Section 11(6) of the Water Act 1973;
  - (iii) British Gas plc;
  - (iv) the Central Electricity Generating Board or any Area Board established under the Electricity Act 1947;
  - (v) any Navigation, Harbour, Pilotage or Conservancy Authority;
  - (vi) the British Railways Board or any Regional Railways Board established under the Transport Act 1962 with respect to the construction use or maintenance of any railway bridge or any other work connected with their railways or so as to interfere with the traffic thereon;
  - (vii) any highway authority for the purposes of the Highways Act 1980 in relation to a highway whether or not maintainable at public expense;
  - (viii) the Post Office;
  - (ix) any undertaking engaged in the operation of a telecommunications system;
  - (x) the British Airports Authority;
  - (xi) the Civil Aviation Authority;
  - (xii) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
  - (xiii) the National Coal Board.

- (c) restrict, prevent, interfere with or prejudice either the erection by such local or highway authority of fencing for the protection of the public or any right of such authority to introduce into any watercourse surface water from any road or highway;
- (d) affect any liability arising otherwise than under and by reason thereof.

#### 45. DEFINITION AND INTERPRETATION

In these Byelaws unless the context otherwise requires the following works and expressions shall have the meanings hereby respectively assigned to them, that is to say:-

**“Act”** means the Land Drainage Act 1976;

**“Animal”** includes any horse, ass, mule, cattle, sheep, goat, swine, goose or poultry;

**“Authority”** means the Anglian Water Authority;

**“Authority Area”** means the area of the Authority for the purpose of their functions relating to land drainage;

**“Bank”** means any bank, piling, wall, berm or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse (including any berm or counterwall connected to a bank) and in the case of watercourses within which tidal waters flow includes all land between the bank and low water mark or in the case of other watercourses includes all land between the bank and the level of the water therein from time to time;

**“Consent of the Authority”** means the consent of the Authority in writing signed by any person authorised on their behalf by the Authority;

**“Drainage Authority”** in Byelaws means a Water Authority, an internal drainage board or a local authority when exercising functions under the Act;

**“Drainage Works”** includes works for defence against water (including seawater) irrigation, other than spray irrigation and warping;

**“Land”** includes water, land covered by water and any interests in land or water and any easement or right in, to or over land or water;

**“Local Authority”** means the council of any county or district;

**“Main River”** has the meaning assigned to it by Section 8(3) of the Land Drainage Act 1976;

**“Minister”** means the Minister of Agriculture, Fisheries and Food;

**“Occupier”** means in the case of land not occupied by any tenant or other person the person entitled to occupation thereof;

**“Owner”** includes the persons defined as such in the Public Health Act 1936;

**“Person”** includes a body corporate;

**“Railway”** means a railway constructed under the powers of any Act of Parliament and intended for the conveyance of passengers or goods;

**“River Control Work”** means any valve, sluice, hatch, floodgate, staunch gate, paddle, penstock, lock, weir, dam, pumping machinery, pump, pipe, culvert or any other structure or appliance for controlling, measuring or regulating the level of the water or the flow of water into, in or out of the main river or for drawing water from or delivering water into the main river;

**“Sea Defences”** includes any wall, bank, embankment, (including any berm, counterwall or cross wall connected thereto) barrier, tidal sluice or other defences whether natural or artificial against sea water or tidal water (including natural or artificial high ground which forms part of or makes a contribution to the efficiency of the defences of the Authority’s areas against flooding); provided that this definition shall not include any sea defence works which are for the time being maintained by a Coast Protection Authority under the provisions of the Coast Protection Act 1949 or by any Local Authority or by any Navigation, Harbour or Conservancy Authority;

**“Vessel”** includes any ship, lighter, keel, barge, tug, launch, pleasure boat, houseboat, aircraft, hovercraft, randan, wherry, skiff, dinghy, shallop, punt, pontoon, floating stage, canoe, yacht, raft, float of timber, or any other craft whatsoever whether worked, navigated or propelled by steam, petrol, oil, electricity or mechanical means, or otherwise;

**“Washlands”** means any area of land described in the schedule hereto and any area of land adjoining or connected to the main river which is confined wholly or in part by a bank or other works and designed to provide storage of water from, or which would otherwise flow into, the main river and which has been so designed by the Authority in writing, with the consent of the owners and occupiers of the land;

**“Watercourse”** includes all rivers, streams, ditches, drains, culverts, cuts, dykes, sluices, sewers (other than public sewers within the meaning of the Public Health Act 1936) and passages through which water flows and any reference to a watercourse includes a reference to the channel or bed of a watercourse which is for the time being dry but excludes any canal or connecting feeding channel vested in or controlled by the British Waterways Board;

and other words and expressions shall have the same respective meanings as in the Act.

#### **46. REVOCATION**

The following Land Drainage Byelaws are hereby revoked:-

- (i) Byelaws made by the Great Ouse River Authority on 13 April 1972
- (ii) Byelaws made by the East Suffolk and Norfolk River Board on 9 May 1962
- (iii) Byelaws made by the Lincolnshire River Board on 22 May 1958
- (iv) Byelaws made by the Essex River Board on 25 November 1955
- (v) Byelaws made by the River Welland Catchment Board on 22 February 1939
- (vi) Byelaws made by the River Nene Catchment Board on 31 December 1945
- (vii) Byelaws made by the Nene River Board on 25 March 1957

#### **47. LIMITATION**

- (a) Nothing in these Byelaws shall:-
  - (i) authorise the Authority to require any person to do any act the doing of which is not necessary for securing the efficient working of the drainage system of the Authority area or to refrain from doing any act the doing of which does not adversely affect the efficient working of the drainage system of the Authority area;
  - (ii) require any person to do any act or thing or to refrain from doing any such act or thing which would contravene the provisions of any Statutory Orders Regulations or Notices made pursuant to the provisions of any Act of Parliament.
- (b) If any conflict arises between these Byelaws and Section 22 of the Water Act 1973, as amended by Section 48 of the Wildlife and Countryside Act 1981 (which relates to the Authority’s duties with regard to the protection of the environment, nature conservation and amenity), the said Act shall prevail.

#### **48. CITATION AND COMMENCEMENT**

These Byelaws may be cited as the Anglian Water Authority Land Drainage and Sea Defence Byelaws 1987 and shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Minister.

# THE SCHEDULE

## DESCRIPTION OF WASHLANDS

### 1. IN THE LINCOLNSHIRE LOCAL LAND DRAINAGE DISTRICT:-

- (a) Branston Island in the parishes of Branston and Mere and Fiskerton and comprising of Ordnance Survey parcel numbers 4200, 0003, 0055, 3724, 4334 and 4312 on O.S. Sheets TF 08-0970, TF10-1170, TF 08-0971, TF 10-1171 1977 edition.
- (b) Louth Canal Reservoir in the parishes of North Coates and North Thoresby and comprising of Ordnance Survey parcel numbers 2234, 0934, 8200, 6600 and 0005 on O.S. Sheets TA 3200 and TA 3299 1965 edition.

### 2. IN THE GREAT OUSE LOCAL LAND DRAINAGE DISTRICT:

The Hundred Foot Washes in the parishes of Earith, Sutton, Mepal, Witcham, Witcham Gravel, Witchford, Wentworth, Coveney, Downham, Manea, West Welney, Welney, Upwell and Hilgay and comprising of the area of land bounded by:-

The Old Bedford Barrier Bank (also known as the Middle Level Barrier Bank) between:-

Earith Sluice TL 3887 7484 and Welmore Lake Sluice TL 5713 9867

Welmore Lake Sluice TL 5715 9867

The Cradge Bank between:-

Welmore Lake Sluice TL 5715 9866 and Earith Bridge TL 3929 7475

The River Great Ouse between:-

Earith Bridge TL 3929 7475 and Earith Sluice TL 3889 7481

Earith Sluice TL 3888 7482

### 3. IN THE WELLAND AND NENE LOCAL DRAINAGE DISTRICT:-

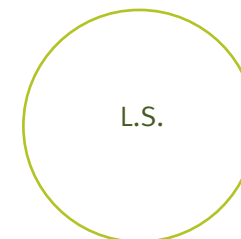
- (a) Fletton Spring Reservoir is located upstream of the main London to Edinburgh railway line, north of the B1092 road in the parish of Old Fletton. Its area is defined as the land alongside Fletton Spring contained within the flood embankment.
- (b) Padholme Drain Reservoir is located in the parish of Stanground and its area is defined as the land contained by flood banks adjacent to the drain.

- (c) Whittlesey Wash is located in the parishes of Stanground, Whittlesey, Thorney, Wisbech St Mary and Elm and its area is defined as the land contained by the South Barrier Bank from Rings End to Stanground Sluice via high ground in Whittlesey and the Cradge Bank to the River Nene from Stanground Sluice to the railway bridge at Rings End.
- (d) Crowland and Cowbit Washes are located in the parishes of Cowbit, Spalding, Crowland, Peakirk, Newborough, Deeping St James, Borough Fen and Deeping St Nicholas and its areas is defined as the land contained by the South Barrier Bank from Locks Mill, Spalding to Peakirk Pumping Station via Crowland and the Cradge Bank to the River Welland from Peakirk Pumping Station to Spalding.
- (e) River Nene Washlands is located in the parishes of Great Houghton and Little Houghton and its area is defined as the land contained by the flood embankments from the outlet sluices at Weston Favell Lock to the inlet sluices at Bedford Road, Northampton on either side of the River Nene.
- (f) Dallington Brook Reservoir is located in St James Ward of Northampton Borough and its area is defined as the land alongside the Dallington Brook and upstream of the flood embankment at Dallington Fish Ponds, contained by natural ground levels.
- (g) Clipston Reservoir is located in the parish of Clipston and its area is defined as the land contained within the flood plain upstream of the flood embankment to the River Ise.
- (h) Yardley Hastings Reservoirs are located in the parish of Yardley Hastings and their areas are defined as the land contained within the flood plain upstream of the flood embankment to the tributaries of the Grendon Brook.
- (i) Denton Reservoir is located upstream of the A428 road embankment of Denton Village and its area is defined as land contained within the flood plain of the Denton tributaries of Grendon Brook.
- (j) Bozeat Reservoir is located in the parish of Bozeat and its area can be defined as the land contained within the flood plain upstream of the flood embankment in the northern tributary of the Grendon Brook upstream of the Bozeat Village.
- (k) Harrowden Brook Reservoir is located immediately upstream of Finedon Road Industrial Estate and its area is defined as the land alongside Harrowden Brook contained within the flood embankments.

- (l) Swanspool Reservoir is located in the parish of Wilby and its area can be defined as the land contained within the flood plain upstream of the A4005 road.
- (m) River Jordan Reservoir is located in the parish of Little Bowden and its area is defined as the land alongside the River Jordan and upstream of the flood embankment at Little Bowden, contained by natural ground levels.
- (n) Braybrooke Reservoir is located upstream of Braybrooke Village and its area is defined as the land alongside the River Jordan on the site of the Fishponds.
- (o) Great Easton Brook Reservoir is located in the parish of Great Easton and its area is defined as the land contained within the flood plain upstream of the flood embankment to the Great Easton Brook.
- (p) Medbourne Brook Reservoir is located in the parishes of Blaston and Hallaton and its area is defined as the land contained within the flood plain upstream of the disused railway embankment to the Medbourne Brook.
- (q) Willow Brook Reservoir is located in the parish of Weldon and its area is defined as the land contained within the flood plain upstream of the flood embankment to the Willow Brook.
- (r) Harpers Brook Reservoir is located in the parish of Great Oakley and its area is defined as the land contained within the flood plain upstream of the flood embankment to the Harpers Brook.
- (s) Barnwell Brook Reservoir is located in the parish of Barnwell and its area is defined as the land contained within the flood plain upstream of the flood embankment to the Barnwell Brook.
- (t) Gretton Brook Reservoir is located in the parish of Corby and its area is defined as the land contained below normal ground level to the tributary of the Gretton Brook.

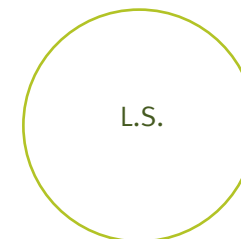
**IN WITNESS** whereof the Common Seal of **ANGLIAN WATER AUTHORITY** was hereunto affixed this Twentieth day of March 1985.

**F J Wild**  
**Authority Secretary**



The Minister of Agriculture, Fisheries and Food, in pursuance of the powers conferred upon him under Section 34 of, and paragraph 6 of Schedule 4 to, the Land Drainage Act 1976, **HEREBY CONFIRMS** these Byelaws **IN WITNESS** whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is here unto affixed on Fifth March 1987.

**R C McKINLEY**  
**Authorised by the Minister**



(Note: These Byelaws incorporate modifications made by the Minister with the consent of Anglian Water Authority).

**PENALTY NOTE**

By Section 211(4) of the Water Resources Act 1991, any person who acts in contravention of any of these Byelaws will be liable, on summary conviction, in respect of each offence, to a fine not exceeding level 5 on the standard scale and to a further fine, not exceeding forty pounds, for each day on which the contravention is continued after conviction. By Section 211(5) of that Act, the Authority may take such action as may be necessary to remedy the effect of any contravention of these Byelaws and may recover the expenses reasonably incurred in doing so from the person in default, without prejudice to any proceedings under section 211(4).

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