

RUNNYMEDE BOROUGH COUNCIL

B Y E L A W S

For the Purpose of Preventing Flooding or Remedying
or Mitigating any Damage caused by Flooding in the
Runnymede Borough made by the Runnymede Borough Council
under Section 34 of the Land Drainage Act, 1976.

LAND DRAINAGE

RUNNYMEDE BOROUGH

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LAND DRAINAGE BYELAWS

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LAND DRAINAGE BYELAWS

For the purpose of preventing flooding or remedying or mitigating any damage caused by flooding in the Runnymede Borough made by the Runnymede Borough Council under Section 34 of the Land Drainage Act, 1976.

The Runnymede Borough Council in exercise of the powers vested in them by Section 34 of the Land Drainage Act, 1976, as applied by Section 98 of that Act do make the following byelaws which the Council consider necessary for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding in the Runnymede Borough.

1. Commencement of Byelaws

These byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Minister.

2. Interpretation

The Interpretation Act, 1978, shall apply to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

3. Definition

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

"the Act" means the Land Drainage Act, 1976:

"animal" includes any horse, ass, mule, cattle, sheep, goat, swine, goose or poultry:

"bank" includes any bank, wall, cross bank or embankment adjoining, confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the water in the watercourse and where there is no such bank, wall, cross bank or embankment includes the top edge of the batter of the watercourse:

"the Borough" means the Runnymede Borough:

"officer" means a Council officer empowered to act within the byelaws on behalf of the Council:

"the Council" means the Runnymede Borough Council:

"the 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 the occupation thereof:

"watercourse" includes all rivers and streams, and all ditches, drains, cuts, culverts, dikes, 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:

"consent" means the consent in writing by the Borough Engineer and Surveyor of the Council, or any other person authorised on his behalf:

"land" includes water and any interest in land or water and any easement or right in, to, or over land or water:

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

4. Application of Byelaws

These Byelaws shall not apply to any watercourse which for the time being forms part of the main river of the Thames Water Authority but, subject as aforesaid, these Byelaws shall apply in the Borough to all watercourses which are for the time being vested in or under the control of the Council.

5. Control of Equipment, Machinery, Structures and Appliances.

Any person having control of any equipment, machinery, structure or appliance for introducing water into any watercourse or for controlling or regulating or affecting the flow of water into, or out of a watercourse shall:

(a) use such equipment, machinery, structure or appliance in accordance with such reasonable directions as may from time to time be given by the Council.

(b) maintain such equipment, machinery, structure or appliance in such a state of repair and efficiency that it is at all times fully effective for the purpose for which it was installed or provided.

6. Diversion or stopping up Watercourses

No person shall stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse without the previous consent of the Council.

7. Obstruction of Watercourses

(a) No person shall:-

(i) discharge or put; or

(ii) cause or permit to be discharged or put; or

(iii) negligently or wilfully cause or permit to flow or fall any object or matter into any watercourse so as to impede the flow of water in, into or out of a watercourse.

(b) No person shall allow any such object or matter as is referred to in sub-paragraph (a) of this byelaw to remain in such position as to render the same liable to drift or be carried into the watercourse in time of flood;

(c) No person shall allow such object or matter as is referred to in sub-paragraph (a) to remain in a watercourse so as to impede the flow of water in, into or out of a watercourse or for such length of time as may in the opinion of the Council be the cause of damage to a watercourse or banks.

8. Notice to cut Vegetable Growths

The person having control of any watercourse shall upon receipt of a written request by the Council and within such reasonable time as may be therein specified cut all trees, willows, hedges, shrubs, weeds, grasses, reeds, rushes, or other vegetable growths growing in the watercourse or in or on the bank of the watercourse and shall remove the same immediately after the cutting thereof. Provided that where a hedge is growing on the bank of a watercourse nothing in the Byelaw shall extend to require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse and the removal of the resulting cuttings.

9. Restrictions on Structures and Trees within Eight metres of Edge of Watercourse

No person without the consent of the Council shall erect or construct any building or other permanent structure or plant any tree or shrub in or over a watercourse or on any land lying between the watercourse and a line measured at a distance of eight metres from and parallel to the top edge of the bank, or, if the bank is an embankment, at a distance of eight metres from and parallel to the foot of the landward side of the embankment, so as to impede the execution of work.

10. To Fence Against Stock

No person shall use or cause or permit to be used any bank of a watercourse for the purpose of grazing or keeping any animal thereon unless he has taken such steps including fencing as are necessary and reasonably practicable to prevent such bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this byelaw shall prevent reasonable facilities being afforded for enabling a watercourse to be used by stock for drinking purposes at any place made or constructed with the approval of the Council.

11. Repairs to Buildings

The owner of any buildings or structures in or over the watercourse or on the banks thereof shall, upon receipt of a notice from the Council that because of its state of disrepair -

(a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse; or

- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse;

carry out such reasonably 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.

In this Byelaw, "owner" means the person for the time being receiving the rack rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person, or the person who would so receive the same if those premises were let at a rack rent.

12. Vehicles Not to be Driven on Banks

No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage or to endanger the stability of such bank.

13. Fences, Excavations, Pipes, etc.

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

- (a) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (b) make or cut or cause or knowingly suffer to be made or cut any excavation, or any tunnel, or any drain, culvert or other passage for water or liquid of any kind whatsoever, in, into or out of a watercourse, or in, under, over or through any bank or within eight metres of any bank;
- (c) place or affix or cause or knowingly suffer to be placed or affixed any gas or water main, or any pipe whatsoever or any electric main or cable or wire, in, under or over a watercourse, or in, under or through any bank or within eight metres of any bank.

Provided that the foregoing provisions of this byelaw shall not apply to works constructed in an emergency provided that notice in writing shall as soon as practicable be given to the Council of the works and the circumstances creating the emergency. Nor shall the provision of (c) above apply to any water mains or sewers laid by the Thames Water Authority under its statutory powers in that behalf.

14. Banks Not to be Used For Storage

No person shall use or cause or knowingly suffer to be used any bank of a watercourse for the purpose of depositing or stacking or 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, materials or things to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the right of the Council to deposit spoil on the bank.

15. Cutting or Digging Banks on Adjoining Lands

No person shall:-

- (a) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of the bank of a watercourse.
- (b) dig for or remove or cause or permit to be dug for or removed any stones, gravel, clay, earth, timber or any material whatsoever forming part of any bank of a watercourse.
- (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 adjoining a bank of a watercourse of such a nature as to cause damage to or endanger the stability of the bank; or
- (d) make or cause or permit to be made any excavation into or do or cause or knowingly suffer to be done anything to any bank so as to cause damage or in any way endanger the stability thereof.

16. Protection of Banks

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Council by notice in writing within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Council consider necessary and practicable for preventing the bank from becoming infested by muskrats, mink, rats, rabbits, coypu, moles or other vermin in or on the bank: provided however 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.

17. Interference with Equipment, Machinery, Structure or Appliances

No person shall without lawful authority or excuse interfere with any equipment, machinery, structure or appliance for controlling or regulating the flow of water in, into or out of any watercourse.

18. Trespass

No unauthorised person shall enter upon any land belonging to or in the occupation of the Council if such entry is likely to endanger any person or property and there is displayed on or near the land a notice prohibiting entry.

19. Obstruction of the Council and Officers

No person shall obstruct or interfere with any member, officer, agent or servant of the Council in the exercise of the powers conferred on the Council by the Act or under these byelaws.

20. Savings for Other Bodies

Nothing in these byelaws shall:-

- (a) interfere with the operation of any byelaw of the Thames Water Authority and, in case of conflict between any such byelaw and these byelaws, the former shall prevail, and 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 exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by:-
- (i) the British Gas Corporation;
 - (ii) the Central Electricity Generating Board or any Area Board established under the Electricity Acts 1947 and 1957;
 - (iii) any undertaking for the supply of water to any place;
 - (iv) the British Railways Board, with respect to the construction, use or maintenance and repair of any railway property or so as to interfere with or obstruct the free uninterrupted and safe use of any railway of the Board and the traffic thereon and the use by passengers of railway property;
 - (v) any local authority;
 - (vi) any highway authority for the purposes of the Highways Act, 1980 (as amended by any subsequent legislation) in relation to any highway whether or not maintainable at public expense;
 - (vii) the Thames Water Authority;
 - (viii) the Post Office and *British Telecom;
 - (ix) any navigation, harbour or conservancy authority
 - (x) the British Airports Authority;
 - (xi) the Civil Aviation Authority.
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into a watercourse surface water from a highway for which it is the highway authority; or
- (d) affect any liability arising otherwise than under or by reason of these byelaws.

21. Saving for Crown Lands

Nothing in these byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or of any cable, wire or pipe, on, over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

22. Consent Not to be Unreasonably Withheld

Whereby these byelaws any person is required to refrain from doing any act without the consent of the Council-

- (a) in deciding whether to give or withhold their consent, the Council shall have regard only to the effect (if any) of such act upon the efficient working of the drainage system in their area and the performance by the Council of their functions under the Act;

* see modification attached to Secretary of State's confirmation

- (b) Such consent shall not be unreasonably withheld but the Council may attach thereto reasonable conditions.

23. Determination of Disputes

- (a) Whereby or under these byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council, he may within 21 days after the service of such notice on him give to the Council 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 Council the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to the Minister whose decision shall be final, and in any other case 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. Where such a counter-notice has been given to the Council 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.
- (b) Whereby or under these byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage or local authority and the Council shall be referred to the Minister whose decision shall be final, and in any other case 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.
- (c) Whereby or under these byelaws any person is required to refrain from doing any act without the consent of the Council such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Council may consider appropriate and where any dispute arises as to whether in such a case the consent of the Council is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage or local authority and the Council be referred to the Minister whose decision shall be final and 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.

24. Breach of Conditions of Consent

Where the Council give their consent under these byelaws to the doing of any act subject to any conditions which 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.

25. Notices

Notices required or authorised to be given or served under these byelaws may be given or served in the manner in which notices under the Act may be given or served.

26. Revocation of Existing Byelaws

All Land Drainage Byelaws made by the Council or its predecessors in any part of the Runnymede Borough heretofore in force are hereby revoked.

It was resolved that the foregoing byelaws be made at a meeting of the Runnymede Borough Council held on the seventh day of March one thousand nine hundred and eighty four.

THE COMMON SEAL of the)
RUNNYMEDE BOROUGH COUNCIL)
was hereunto affixed on the) L.S.
ninth day of July 1984)
in the presence of:-)

Seal of
Runnymede Borough Council

E.W. ANDREWS
Clerk & Chief Executive

The Minister of Agriculture, Fisheries and Food, in pursuance of the powers conferred upon him by section 34, as applied by section 98 of the Land Drainage Act, 1976 HEREBY CONFIRMS these Byelaws, subject to the following modification:-

*Byelaw 20 (viii): after "and" delete "British Telecom" and
insert "any undertaking engaged in the operation of a
telecommunications system".

IN WITNESS whereof)
the Official Seal of the)
Minister of Agriculture,) L.S.
Fisheries and Food is)
hereunto affixed on)
21st November, 1984)

Signed R.C. McIvor
Assistant Secretary

PENALTY NOTE - By Section 34(4) of the Act every person who acts in contravention of or fails to comply with any of the foregoing byelaws is liable on summary conviction in respect of each offence to a fine not exceeding TWO THOUSAND Pounds and a further fine not exceeding FORTY POUNDS for every day on which the contravention or failure is continued after conviction. By Section 34(5) of the Act if any person acts in contravention of or fails to comply with any of these byelaws the Council may without prejudice to any proceedings under Section 34(4) of the Act take such action as may be necessary to remedy the expenses reasonably incurred by them in doing so from the person in default.

In addition the Council may, without prejudice to the above, take such action as may be necessary to remedy the effect of the contravention or failure, and may recover the expenses reasonably incurred by them in doing so from the person in default. (Land Drainage Act 1976 Section 34(4) and (5) as amended by Criminal Justice Act 1982).

7/2/22