



Arun District Council

Byelaws

Land Drainage



Guidelines to the Land Drainage Byelaws

Introduction

These Guidelines have been prepared to give information to owners of land on which there is an 'ordinary watercourse' or where there is one located adjacent to the boundary of their land. The Guidelines are to be read in conjunction with Arun District Council's Land Drainage Byelaws approved by the Secretary of State for Environment Food & Rural Affairs on 30th September 2004 but do not form any part of the Byelaws and are issued for clarification of application and interpretation.

Reference in these Guidelines and Byelaws to the Act means the Land Drainage Act 1991.

The information particularly relates to a landowner's 'riparian' responsibilities in respect of 'ordinary watercourses', and a drainage authority's powers, where there is an obstruction to flow, a risk of flooding or flooding has occurred.

Main River and Ordinary Watercourse Powers

The Environment Agency has Byelaws applicable to 'main rivers' and 'Internal Drainage Board (IDB) watercourses' that are essentially similar. Under the Act, Arun District Council Byelaws can only be applied to 'ordinary watercourses' in Arun District Council's area that are not 'main rivers' or 'IDB watercourses'. In the Arun District Council area IDBs are administered by the Environment Agency. As far as possible Arun District Council Byelaws for 'ordinary watercourses' are consistent with Environment Agency Byelaws.

'Main rivers' are shown on a statutory plan, a copy of which is held at the local Environment Agency office at Guildbourne House, Chatsworth Road, Worthing, West Sussex BN11 1LD.

'Ordinary watercourses' are defined but not specifically identified on a statutory plan. In practice, 'ordinary watercourses' may range from a reasonable sized ditch with a constant flow to nothing more than a depression which carries water infrequently. Within the meaning of the Act 'watercourses' may also be culverted (i.e. piped). Whilst these watercourses may now take run off from highways and surface water sewers serving properties, the original base flow will be from a land drainage source.

'Watercourses' are defined as a river, stream, ditch, drain, culvert, dyke, sluice and passages through which water flows (other than public and private sewers)

Roadside Ditches

Roadside ditches may be in one of three categories

- A ditch created by the Highway Authority solely for draining the highway is the responsibility of the Highway Authority
- A ditch on the road side of fences and hedges taking land drainage as well as highway drainage is a 'riparian owner' responsibility
- A ditch on the field side of a fence or hedge taking land drainage as well as highway drainage is a 'riparian owner' responsibility

Within Arun District Council's area West Sussex County Council are the Highway Authority.

Riparian Owners

'Riparian Owners' are those who have an open or culverted (piped) watercourse either directly on their land or directly abutting the boundary of their land. This includes an open or culverted watercourse outside the property and adjacent to the road.

'Riparian Owners' are responsible for maintaining the watercourse and any associated structures (i.e. headwalls, screen, weir etc.) and primarily to keep them free of any obstructions that may impede flow in the watercourse. These land drainage obligations must be exercised with due care and must not cause or perpetuate a nuisance.

Failure by 'Riparian Owners' to maintain a watercourse and keep it clear of obstructions may result in -

- a drainage problem for neighbours and other landowners
- surface water flooding that may enter houses
- enforcement action being taken by the local authority.

'Occupiers' may have control of the land and application of 'riparian ownership' obligations will be subject to an individual interpretation of the circumstances in each case.

Land Drainage Powers of Local Authorities

Arun District Council's powers to make Land Drainage Byelaws to 'secure efficient working of the drainage system in its area' originate from S66 of the Land Drainage Act 1991.

The Act confers powers on local authorities relating to flood prevention and maintaining flows in watercourses. These powers are permissive, giving local authorities discretion over their use.

Local authorities also have powers available to them under the Public Health Act 1936 which can be exercised when a land drainage problem creates a statutory nuisance or a situation which is prejudicial to health.

Where problems relate to ditches and culverts at the side of the road that cause flooding of the highway, Arun District Council is likely to refer them to the Highway Authority, West Sussex County Council, who have similar powers to require 'riparian owners' to carry out remedial works.

Enforcement Action by Local Authorities

Arun District Council may decide to exercise the permissive powers if it is approached by property owners affected by badly maintained or obstructed watercourses and they have been unable to get a 'riparian owner' to carry out necessary works.

In the first instance, Arun District Council will try to resolve the problem informally by explaining 'riparian ownership' responsibilities and agreeing the work that is required to the watercourse to rectify the problem. If this approach is unsuccessful, Arun District Council may require and enforce 'riparian owners' to carry out works using powers under S25 of the Land Drainage Act 1991 where the flow of water is impeded and the condition needs to be remedied.

A formal Notice will be served by the Council's Solicitor if there is no action by the 'riparian owner' to remedy the situation. Prior approval of the Environment Agency will be sought by the Council before issue of the Notice. The recipient of the Notice has the right of appeal to a Magistrate's Court. If the work is not carried out and the recipient does not appeal within the statutory time scales, the Council may carry out the work and recover the costs reasonably incurred.

Under S263 of the Public Health Act 1936 the Council has powers to remedy statutory nuisances which may include clearance of blockages. Arun District Council will set up procedures for dealing with rubbish dumping, garden waste and fly tipping in ditches where there is no immediate risk of flooding.

Environment Agency Consent Approvals

In order to alleviate the potential risk of flooding, a Land Drainage Consent is required from the Environment Agency for anything which might affect the flow in an 'ordinary watercourse' including construction or alteration of dams, weirs, mills, channel diversions and culverts (piping).

No person shall without the previous consent of the Environment Agency construct a culvert or any flow control structure (such as a weir) on any ordinary watercourse. Culverting of any existing open watercourse requires specific consent from the Agency.

In due course Arun District Council will develop and agree with the

Environment Agency where new discharge consents to 'ordinary watercourses' are necessary.

Any proposals for construction or excavation (including temporary works) within 8m of 'main rivers' will require a Land Drainage Consent from the Environment Agency.

Biodiversity and Ditch Clearance

The Council wishes to adopt a more active role in terms of biodiversity when undertaking ditch clearance and where possible the Council will respect the time of year for carrying out work subject to assessment of the flooding risks and impact.

All reasonable precautions should be taken to ensure that the work in any watercourse or waterbody is done in an environmentally sensitive manner such that it will not cause unnecessary damage to fauna, flora and habitats.

The Council has prepared a Biodiversity and Ditch Management good practice guide (Appendix attached) for use by contractors and landowners where appropriate. It is based upon national guidelines from the Environment Agency and English Nature. In exceptional circumstances, any criminal sanctions would be related to specific statutory requirements and 'reasonable precautions' would be assessed against the national recommendations.

Fences and Access

The erection of post and rail fences crossing watercourses is acceptable but provision for access to undertake maintenance should always be borne in mind.

The erection of fences on either side of a ditch running between properties does not alter joint 'riparian ownership' responsibility for the ditch but clearly makes it more difficult and costly to practically meet their obligations. Unless specifically stated to the contrary, the normal convention is that the boundary will be along the centre line of the ditch and not at the fence or hedge.

Arun District Council
Local Government Act 1972

Land Drainage Act 1991 Byelaws

Notice is hereby given that Arun District Council intend to apply at the expiration of one calendar month from the date of the publication of this Notice to the Secretary of State for Environment Food and Rural Affairs for the confirmation of byelaws made by the Council for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding in this area. During a period of one calendar month from the date of publication of this Notice, a copy of the said byelaws will be kept at the offices of the Council at Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex BN17 5LF and Bognor Town Hall, Clarence Road, Bognor Regis, West Sussex P021 1LD.

The byelaws will be open to public inspection on any weekday during normal office hours. During the same period a copy of the byelaws will be supplied on demand (free of charge) to any person on application to the Engineering Services Section of the Council at Arun Civic Centre, Littlehampton. Any objection to the confirmation of the byelaws should be made in writing and addressed to the Department for the Environment Food and Rural Affairs, Area 38, Ergon House, Horseferry Road, London, SW1P 2AL within six weeks of the date of publication of this Notice.

W. Ashenden-Bax
Solicitor to the Council

Arun District Council, Civic Centre, Maltravers Road, Littlehampton,
West Sussex BN17 5LF

Dated: 10th June 2004

LD'BYELAWS 19.02.04

Land Drainage Byelaws

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Land Drainage Byelaws

Arun District Council under and by virtue of the powers and authority vested in them by Section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for securing the efficient working of the drainage system in their District, so far as may be necessary for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding:

[1] Commencement of Byelaws

These Byelaws shall come into operation on 30th October 2004 this being at the expiration of one month beginning with the day on which they are confirmed by the Secretary of State.

[2] Application of Byelaws

- (a) These Byelaws shall have effect within the area of the Arun District Council;
- (b) The watercourses referred to below in Byelaws [3] to [7] and [10] to [19] are ordinary watercourses within the Arun District Council area but excluding any main river or Internal Drainage Board watercourse within the area of a Drainage Authority.

[3] Control of sluices etc.

Any person having control of any sluice, slacker, floodgate, lock, weir, dam, pump, pumping machinery or other structure or appliance for introducing water into any watercourse in the Area or for controlling or regulating or affecting the flow of water in, into or out of any watercourse shall use and maintain such sluice, slacker, floodgate, lock, weir, dam, pump, pumping machinery, structure or appliance in accordance with such reasonable directions as may from time to time be given by the Council with a view to the prevention of flooding in the Area.

[4] Control of introduction of water and increase in flow or volume of water

No person shall as a result of development (within the meaning of Section 55 of the Town and Country Planning Act 1990 as amended ("the Act")) (whether or not such development is authorised by the Act or any

regulation or order whatsoever or none of them for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District without the previous consent of the Council.

Provided that the foregoing shall not apply to any action taken in an emergency so long as notice in writing of such action is given to the Council as soon as practicable.

[5] Diversion or stopping up of watercourses

No person shall, without the previous consent of the Council, take any action, or knowingly permit or aid or abet any person to take any action to 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.

[6] Detrimental substances not to be put into watercourses

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank:

- (a) discharge or put or cause or permit to be discharged or put or negligently or wilfully cause or permit to fall into any watercourse 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 any watercourse in such manner as to render the same liable to drift or fall or to be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

[7] Lighting of fires

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any trees, willows, shrubs, weeds, grasses or any other vegetable growths growing on land forming the banks of the watercourse.

[8] Notice to cut vegetative growths

Any person having control of any watercourse shall, upon receipt of a notice served on him by the Council requiring him so to do, cut down and keep cut down all trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetative growths growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growth from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall 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 resultant cuttings.

[9] No obstructions within 3m of the edge of the watercourse

No person without the previous consent of the Council shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 3 metres of the landward toe of the bank where there is an embankment or wall or within 3 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 3 metres of the enclosing structure.

[10] Repairs to buildings

The owner of any building or structure in or over a 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;
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse;

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.

[11] Control of vermin

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Council by notice, 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 rabbits, rats, coypu, foxes and moles or any other wild mammal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

[12] Damage by animals to banks

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Council to prevent the bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Council.

[13] 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 to such bank.

[14] Banks not to be used for storage

No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner which by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Council or the right of the Council to deposit spoil on the bank of the watercourse.

[15] Not to dredge or raise gravel, sand etc.

No person shall without the previous consent of the Council dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other material from the bed or bank of any watercourse.

[16] Fences, excavations, pipes etc.

No person shall without the previous consent of the Council:

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire under any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;
- (c) 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 in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) 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;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

[2] Provided that -

- (a) this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any such emergency work shall, as soon as practicable, inform the Council in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Council may give with regard thereto;
- (b) any person undertaking such works in accordance with the Council's approved consent shall comply with any directions which the Council may give with regard thereto including conditions for depth and clearance and method of construction for the purpose of preventing flooding or remedying or mitigating damage caused by flooding.

[17] Tidal outfalls

No person shall place or cause to be placed or abandon or cause to be abandoned upon the foreshore any trees, roots of trees, branches, timber, tins, bottles, boxes, tyres, bricks, stones, soil, wire, rubbish or other objects or matter whatsoever which (whether immediately or as a result of subsequent tidal action) may impede or be likely to impede the flow of water through the sluices or outfall pipes through the tidal banks or through the watercourses on such foreshore or impede or be likely to impede the operation of such sluices or outfall pipes or may cause or be likely to cause damage thereto.

[18] Interference with sluices

No person shall without lawful authority interfere with any sluice, slacker, floodgate, lock, weir, dam, pump, pumping machinery or any other structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

[19] Damage to Property of the Council

No person shall interfere with or damage any bank, bridge, building, structure, appliance or other property of or under the control of the Council.

[20] Defacement of notice boards

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

[21] Obstruction of the Council and Officers

No person shall obstruct or interfere with any member, officer, agent or servant of the Council exercising any of his functions under the Act or these Byelaws.

[22] Savings for other bodies

Nothing in these Byelaws shall:

- (a) conflict with or interfere with the operation of any Byelaw made by the Environment Agency or an internal drainage board or of any navigation, harbour or conservancy authority 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 exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by:
- [i] any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
 - [ii] the undertakings of the Environment Agency and of any water undertaker or sewerage undertaker;
 - [iii] any public gas transporter within the meaning of Part I of the Gas Act 1986;
 - [iv] any navigation, harbour or conservancy authority;
 - [v] any person who acts as the operator of a relevant railway asset, with respect to the construction, use or maintenance and repair of any such asset, or the free, uninterrupted and safe use of any such asset and the traffic [including passengers thereof];
 - [vi] any local authority;
 - [vii] any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
 - [viii] any undertaking engaged in the operation of a telecommunications system;
 - [ix] a relevant airport operator within the meaning of Part V of the Airports Act 1986;
 - [x] the Civil Aviation Authority and any subsidiary thereof;
 - [xi] the British Waterways Board;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;
- (d) restrict, prevent, 'interfere with or prejudice any right of a licence holder within the meaning of Part 1 of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
- (e) affect any liability arising otherwise than under or by reason of these Byelaws.

[23] Saving for Crown Lands

- (a) 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 any cable, wire or pipe on, over or under) lands belonging to Her Majesty in the right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

- (b) Nothing contained in any of the foregoing byelaws should be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over such foreshore, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in over and in respect of the seashore.

[24] Arbitration

- (a) Where by or under Byelaws 3, 8, 11, 12, 13 or 17 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, 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 Secretary of State 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) Where by 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 authority or local authority and the Council shall be referred to the Secretary of State 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) Where by or under Byelaws 4, 5, 10, 16, or 17 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 authority or local authority and the Council be referred to the Secretary of State 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.

[25] Notices

Notices and any other documents required or authorised to be served or given under or by virtue of these Byelaws shall be sufficiently served or given if in writing under the hand of a duly authorised Officer of the Council in the manner prescribed by Section 71 of the Act.

[26] Limitation

- (a) Nothing in these Byelaws shall authorise the Council 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 district, so far as may be necessary for the purpose of preventing flooding or remedying or mitigating any danger caused by flooding, or to refrain from doing any act, the doing of which does not adversely affect the efficient working of the drainage system of the district, so far as may be necessary for the purpose of preventing flooding or remedying or mitigating any, damage caused by flooding.
- (b) If any conflict arises between these Byelaws and
- [i] the Land Drainage Act 1991 (Sections 61A to E that relate to the Council's duties with respect to the Environment) or
 - [ii] the Wildlife and Countryside Act 1981 or
 - [iii] the Conservation Natural Habitats, etc. Regulations 1994¹ or
 - [v] the Hedgerows Regulations 1997² or
- then the said Acts and the said Regulations shall prevail.

[27] Interpretation

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

“the Act” means the Land Drainage Act 1991;

“Animal” includes any horse, cattle, sheep, deer, goat, swine, goose or poultry; “Area” means the area under the jurisdiction of the Council;

“Bank” includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

“Consent of the Council” means the consent of the Council in writing signed by a proper officer of the Council;

“Council” means the Arun District Council;

“Drainage Authority” means an Internal Drainage Board;

“Land includes buildings and structures, land covered with water and any estate, interest, easement, servitude or right in or over land;

“Main River” has the meaning assigned to it by the Water Resources Act 1991;

“The Secretary of State” means the Secretary of State for Environment Food and Rural Affairs;

“Person” includes a body of persons corporate or incorporate;

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

“Ordinary Watercourse” means a watercourse that does not form part of a main river; “Owner” includes the person defined as such in the Public Health Act 1936;

“Relevant railway asset” means:

- (a) a network which was transferred, by virtue of a transfer scheme made under Section 85 of the Railways Act 1993, from the British Railways Board and vested in the company formed and registered under the Companies Act 1985 and known, at the date of vesting, as Railtrack Pie;

- (b) a station which is operated in connection with the provision of railway services on such a network, or
- (c) a light maintenance depot.

Expressions used in this definition and in the Railways Act 1993 have the same meaning in this definition as they have in that Act, and a network such as is described in (a) above shall not cease to be such a network where it is modified by virtue of having any network added to it or removed from it.

“Watercourse” includes all rivers, streams, ditches, drains, culverts, cuts, dykes, sluices and passages through which water flows (other than public and private sewers);

Other expressions in these Byelaws shall have the same meanings as in the Act.

The common Seal of)
Arun District Council was)
hereunto affixed on the)
21st day of May 2004)
in the presence of:)

W. Ashenden-Bax
Solicitor to the Council

Arun District Council, Civic Centre, Maltravers Road, Littlehampton,
West Sussex BN17 5LF

Penalty Notice

By Section 66[6] 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 the amount prescribed from time to time for level 5 on the standard scale referred to in Section 37 of the Criminal Justice Act 1982 and a further fine not exceeding forty pounds [£40.00] for every day on which the contravention or failure is continued after conviction. By Section 66[7] 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 66[6] of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

The Secretary of State for Environment, Food and Rural Affairs, in pursuance of the powers conferred by Section 66 of, and paragraph 2 of Schedule 5 to, the Land Drainage Act 1991, HEREBY CONFIRMS these Byelaws.

M J Roberts
Dated: 30th September 2004



I hereby certify this to be a true copy.

M J Roberts
for and on behalf of the Secretary of State
Dated: 30th September 2004

Department for Environment, Food and Rural Affairs

Produced by:



Land Drainage
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Tel: 01903 737500
www.arun.gov.uk