

<b>TITLE</b>	<b>Proposed Land Drainage Byelaws</b>
<b>FOR CONSIDERATION BY</b>	Council on 24 March 2016
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Heather Thwaites, Director of Environment

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The proposed land drainage byelaws are essential for the regulation, management and enforcement of the Council's Local Flood Risk Management Strategy (LFRMS) and, which if made and confirmed following the formal public inspection process, will assist the Council in carrying out its duties as a Highway Authority under the Highways Act 1980 and Lead Local Flood Authority (LLFA) under the Flood and Water Management Act 2010. The byelaws will benefit the community by increasing the Council's ability to carry out its duties to effectively reduce flood risk in the borough.

## **RECOMMENDATION**

That Council:

- 1) formally resolve to adopt the proposed land drainage byelaws as set out in Appendix 1 to the report;
- 2) authorise the sealing thereof and approve carrying out the public consultation phase;
- 3) submit the proposed byelaws together with any unresolved objections received thereto to the Secretary of State for confirmation.

## **SUMMARY OF REPORT**

The Flood and Water Management Act 2010 (FWMA 2010) amended Section 66 of the Land Drainage Act 1991 to allow local authorities to make land drainage byelaws. These byelaws create criminal offences which can be prosecuted in the Magistrates' Courts. The Council is now intending to use its powers to make these byelaws to help carry out its duties effectively and in doing so assist with reducing flood risk for local communities.

The proposed byelaws for Wokingham (as set out in Appendix 1 of this report) are based on the Department for Environment, Food and Rural Affairs (Defra) set of model Land Drainage Byelaws, which are broadly similar to the byelaws which have been used for many years by the Environment Agency (EA). They regulate matters such as changes to flows in watercourses, obstructions, vegetation, damage to river banks and others which will be of help to the Council in carrying out its duties as Highway Authority and Lead Local Flood Authority (LLFA).

## Background

1. Flooding is a serious issue in Wokingham, as has been demonstrated in recent years. Over the past decade, Wokingham Borough Council (WBC) has been required to respond to a number of flooding events which have affected various communities. The Council works closely with other agencies and Risk Management Authorities (RMA's) to respond to major events and WBC flood risk officers are continuously working with communities across the borough to reduce flood risk.
2. Following the major floods in 2007, the Government set up the Pitt Review which led to the Flood and Water Management Act 2010 (FWMA 2010). This transferred ordinary watercourse regulation powers from the Environment Agency (EA) to Lead Local Flood Authorities (LLFAs). The 2010 Act amended Section 66 of the Land Drainage Act 1991 and gave local authorities the power to make land drainage byelaws for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding. These byelaws also create criminal offences which can be prosecuted in the Magistrates' Courts. It is proposed that the Council should use its powers to make the byelaws as set out in Appendix 1 to help it carry out its duties effectively and in doing so assist with reducing of flood risk for local communities.
3. It is considered that the making of specific byelaws would give WBC control over a wider area outside of the ditch line and extending up to 8m from the top of the bank. Not only would this have clear benefits in terms of protecting the natural floodplain of smaller watercourse and ditches but it would also assist with providing a 'buffer zone' for biodiversity.

## Proposed Byelaws

4. The Flood and Water Management Act 2010 allows local authorities to make byelaws for the following purposes:
  - To secure the efficient working of a drainage system in the local authority's area.
  - To regulate the effects of a drainage system on the environment.
  - To secure the effectiveness of flood risk management work.
  - To secure the effectiveness of works done in reliance on section 38-39 of the 2010 Act concerning incidental flooding.
5. The proposed byelaws for Wokingham are based on the Department for Environment, Food and Rural Affairs (Defra) set of model land drainage byelaws, which are broadly similar to the byelaws which have been used for many years by the EA on main rivers. WBC proposed land drainage byelaws would apply to all other ordinary watercourses that the EA's byelaws do not apply to. They cover matters such as changes to flows in watercourses, obstructions, vegetation, damage to river banks and other issues which will be of help to the Council in carrying out its duties as Highway and Lead Local Flood Authority.
6. With regard to byelaw number 8 '*No obstructions within 8 metres of the watercourse*', the guidance recommends that the maximum distance from the top

of the banks that would be covered by the byelaw is 9 metres. Defra have advised that anything above would be a special case and Wokingham would need to supply technical data to support the case. Many Councils have found a lesser distance to be adequate, however given that much of the Borough's ditch network is situated within rural areas and is on the whole likely to have close proximity to valuable hedgerows; officers believe that a margin of 8 metres would be justifiable. The 8 metre margin is cited in the EA Thames Region byelaws and Wokingham would therefore be consistent with this.

7. There are a number of stages to the process of making byelaws which are set out below:
  - (i) The proposed draft byelaws are forwarded to Defra for informal review.
  - (ii) Natural England and the Local Navigational Authority (the only Local Navigational Authority that exists in Wokingham is the EA for the River Thames) are consulted on the draft byelaws.
  - (iii) Having considered any responses received by Defra, Natural England, and the Local Navigational Authority, the Council needs to make the decision as to whether to formally adopt the proposed byelaws under the common seal. Under the Council's constitution this decision is reserved for Full Council.
  - (iv) If the Council formally resolves to adopt the draft land drainage byelaws a process of public consultation follows whereby the draft byelaws are made, sealed and deposited for public inspection for at least one month. Officers have decided that WBC should have a 6 week consultation period so that Town and Parish Councils have time to discuss the proposed byelaws at their monthly meetings. The Council must also advertise its intent to implement the land drainage byelaws in one or more newspapers and also on the Councils website. During this time, the Council must have a copy of the draft byelaws available for public inspection in the Council offices and must also provide a copy to anyone who asks for one. If any objections are received, the Council will be expected, where possible, to resolve the objections directly with the objector.
  - (v) Following closure of the public consultation, the byelaws are submitted together with any unresolved objections to the Secretary of State for confirmation. The byelaws cannot come into operation until they are confirmed by the Secretary of State.
8. WBC has already received informal approval of the proposed land drainage byelaws from Defra. So far, no response has been received from the Local Navigational Authority. Natural England has responded as followed:

*“Natural England does not consider that this drainage byelaws consultation poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.”*

## **Benefits**

9. The making of the byelaws would help the Council to carry out its duties effectively and would assist with reducing flood risk for local communities. Not making the byelaws would mean that the Council would be missing an

opportunity to take pre-emptive action to reduce flood risk in some circumstances. The proposed byelaws follow the Defra model byelaws although some amendments have been made to make them specific to Wokingham's needs.

10. With regard to development, the proposed land drainage byelaws will give the Council the power to prevent any obstructions from being built within 8 metres of the bank of a watercourse. At the moment WBC as LLFA is a statutory consultee on flood and drainage issues for new developments. The proposed byelaws would provide extra support for the comments provided by the LLFA on planning applications whilst also providing effective enforcement powers to deal with unauthorised activities in the vicinity of watercourses which can lead to flooding incidents.

### Legal Implications

11. The byelaws are a form of delegated legislation whose operation is usually restricted in order to control or regulate activities in certain places. The enforcement of the proposed land drainage byelaws will be undertaken for the purpose of securing appropriate management of flood risk in Wokingham. The byelaws are made under the Flood and Water Management Act 2010, Land Drainage Act 1991 and the Local Government Act 1972. Section 236 of the Local Government Act 1972 sets out the legal requirements for making byelaws.
12. The byelaws will also create criminal offences which can be prosecuted in the Magistrates' Courts by way of a fine.

### Resource Implications

13. It is anticipated that the majority of issues that arise will be resolved through negotiation and informal action, the costs of which will be borne through existing budgets. However, there would be more significant staff resource implications if enforcement progresses through to a stage where prosecution action is taken against offenders, when all other avenues have been exhausted.

### Conclusion

14. The proposed byelaws will assist the Council in carrying out its duties as Lead Local Flood Authority under the Flood and Water Management Act 2010. The making of the byelaws is not mandatory but it is seen as a key element at a tactical level to deliver flood risk management. Without the byelaws, the application of the consenting and enforcing powers and duties is very difficult.

### FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Approximately £500 will spent on advertising the	Yes	Revenue

	byelaws		
Next Financial Year (Year 2)	£0	£0	n/a
Following Financial Year (Year 3)	£0	£0	n/a

**Other financial information relevant to the Recommendation/Decision**

There is a potential for legal costs to arise as a result of any future prosecution under the proposed byelaws. At this stage, this is an unknown quantity, but it is a factor that would need to be monitored and managed if the byelaws are adopted.

In the event of a breach of the byelaws, the Council will take a decision about expediency of enforcement. This involves a cost benefit assessment relative to the level of harm resulting. Enforcement through the courts has resource implications for the Council.

**Cross-Council Implications**

n/a

**List of Background Papers**

Flood and Water Management Act 2010  
Land Drainage Act 1991

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<b>Date</b> 14 March 2016	<b>Version No.</b> 1

## Draft Wokingham Land Drainage Byelaws

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Common Seal  
Penalty Note

Wokingham Borough 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 [one or more of] the following purposes:-

- a) securing the efficient working of a drainage system in the Council's area,
- b) regulating the effects on the environment in the Council's area of a drainage system,
- c) securing the effectiveness of flood risk management work within the meaning of section 14A of that Act, or
- d) securing the effectiveness of works done in reliance on section 38 or 39 of the Flood And Water Management Act 2010 (incidental flooding or coastal erosion),

together, "the Purposes";-

### **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 Secretary of State.

### **2. Application of Byelaws**

- (a) These Byelaws shall have effect within the Area;
- (b) the watercourses referred to in these Byelaws are watercourses which are for the time being vested in or under the control of the Council.

### **3. 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 1990 Act")) (whether or not such development is authorised by the 1990 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 Area so as to directly or indirectly increase the flow or volume of water in any watercourse in the Area (without the previous consent of the Council).

### **4. Control of Sluices etc**

Any person having control of any sluice, water control 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, water control structure or appliance in accordance with such reasonable directions as may from time to time be given by the Council with a view to securing or furthering one or more of the Purposes.

### **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 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. Notice to Cut Vegetation**

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Council requiring him so to do, cut down and keep cut down all vegetation, including trees, growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such vegetation, including trees, 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.

## **8. No Obstructions within 8 Metres 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 8 metres of the landward toe of the bank where there is an embankment or wall or within 8 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 8 metres of the enclosing structure.

## **9. 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.

## **10. 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.

#### **11. 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.

#### **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 to such bank.

#### **13. 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 as 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.

#### **14. 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.

#### **15. 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 in, under or over 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.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted 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.

#### **16. Interference with Sluices**

No person shall without lawful authority interfere with any sluice, or other water control structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

#### **17. 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.

#### **18. Defacement of Notice Boards**

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

#### **19. 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.

#### **20. 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 Canal and River Trust;
  - (xii) the Coal Authority;
- (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 I 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.

## **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 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. Arbitration**

(a) Where by or under any of 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, 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 3, 6, 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.

### **23. Notices**

Notices and any other documents required or authorised to be served or given under or by virtue of these byelaws shall be served or given in the manner prescribed by section 71 of the Act.

### **24. 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 or furthering one or more of the Purposes, or to refrain from doing any act, the doing of which does not affect the environment, or adversely affect either

(i) the efficient working of the drainage system of the area (ii) the effectiveness of flood risk management work within the meaning of section 14A of the Land Drainage Act 1991, or

(iii) the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010.

(b) If any conflict arises between these Byelaws and

(i) sections 61A to E of the Land Drainage Act 1991 (which relates to the Council's duties with respect to the environment), or

(ii) the Conservation of Habitats and Species Regulations 2010

The said Act and the said Regulations shall prevail.

## 25. 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 Council;

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

**“Ordinary watercourse”** is any river, stream, ditch, drain, cut, dyke, sluice, sewer (other than a public sewer) and passage through which water flows and which does not form part of a main river network.

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

**“Relevant railway asset”** means

- (a) a network, operated by an “approved operator” within the meaning of section 25 of the Planning Act 2008,
- (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, (“railway” not having its wider meaning) 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.

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

**“Vegetation”** means trees, willows, shrubs, weeds, grasses, reeds, rushes, or other vegetable growths;

*“Vessel”* includes any ship, hovercraft (as defined by the Hovercraft Act 1968), lighter, keel, barge, tug, launch, houseboat, pleasure or other boat, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float of timber or any other craft whatsoever, and howsoever worked, navigated or propelled;

*“Water control structure”* means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, dam, pump, or pumping machinery; and other expressions shall have the same meanings as in the Act.

THE COMMON SEAL OF THE

COUNCIL was hereunto affixed on the *DATE*  
in the presence of:

The Chief Executive (or other authorised officer)

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**PENALTY NOTE**

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 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.

(N.B. This note may accompany the Byelaws, but is not part of them)

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