

**CABINET MEMBER FOR COMMUNITIES, CAMPUS, AREA BOARDS, LIBRARIES,  
LEISURE AND FLOODING - CLLR JONATHON SEED**

**HIGHWAYS AND TRANSPORT SERVICE**

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**REFERENCE: CCALLF-2-14**

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## **REPORT ON LAND DRAINAGE BYELAWS FOR WILTSHIRE COUNCIL**

### **Purpose of Report**

The making of drainage byelaws will provide scope for the Council to work with local communities to reduce flood risk, and help empower communities to do more for themselves. Flooding can have serious consequences for communities and businesses affected, and can cause serious disruption to transport links. The proposed byelaws will help the Council deliver its Business Plan and create stronger and more resilient communities.

This report is to inform and update the Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding on the procedure and progress of the making of the land drainage byelaws since November 2013 and following the sealing of the byelaws on 11 February 2014 in order that a decision can be made as to whether or not the Council should apply to the Secretary of State for the Environment Food and Rural Affairs to have the land drainage byelaws confirmed.

### **Consultation**

The Secretary of State, Natural England and Canals and Rivers Trust were consulted in November 2013. A public consultation took place between 20 February 2014 and 20 March 2014 as required by the legislation.

### **Options Considered**

The Council made the byelaws on 11 February 2014. No objections were received from the Department for Environment, Food and Rural Affairs, Natural England, the local navigational authority, local communities or the public. The byelaws cannot come into operation until one month after they are confirmed by the Secretary of State. If the byelaws are not confirmed they will be unenforceable and the Council will not be able to rely on the byelaws to carry out any enforcement or other appropriate flood management work. The public may also ask why the Council has not confirmed the byelaws when no objections were received by the Council during the informal and formal consultations.

## **Reason for Decision**

The proposed land drainage byelaws, if confirmed by the Secretary of State, will assist the Council in carrying out its duties as Lead Local Flood Authority under the Flood and Water Management Act 2010 and Land Drainage Act 1991.

## **DECISION MADE**

I approve that an application to the Secretary of State for Environment Food and Rural Affairs, to confirm the land drainage byelaws, be made by the Council. The byelaws if confirmed will come into operation one month after they are confirmed by the Secretary of State.

This decision was published on 29 July 2014 and will come into force on 6 August 2014.

## **The following supporting documents are attached:**

Report

Appendix 1 – Land Drainage Byelaws made 11 February 2014

Appendix 2 – Environment Select Committee Report 10 December 2013

Appendix 3 – Comments on proposed byelaws

Appendix 4A – Report to Wiltshire Council Meeting 4 February 2014

Appendix 4B – Minutes of Wiltshire Council Meeting 4 February 2014

Appendix 5A, 5B and 5C – Copies of advertisements

Appendix 5B -Copies of advertisements (2)

Appendix 5C - Copies of advertisements (3)

Appendix 6 – Parish Newsletter

Appendix 7 – Public Consultation Website

Appendix 8A – Consultation response from Natural England

Appendix 8B – Email correspondence with Natural England

Appendix 8C – Copies of correspondence with DEFRA

Date: 29 July 2014

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Cllr Jonathon Seed  
Cabinet Member for Communities, Campus,  
Area Boards, Libraries, Leisure and Flooding