

**Doyle-Wiaczek , Caroline**

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**From:** Marshall, Sarah  
**Sent:** 14 November 2013 13:33  
**To:** consultations@naturalengland.org.uk; customer.services@canalrivertrust.org.uk  
**Cc:** Binley, Peter  
**Subject:** Proposed Land Drainage Bye Laws - Wiltshire Council  
**Attachments:** 131111 slm DRAFT drainage bye laws 091786.docx; Local Authority Byelaw guidance Defra 2012.pdf

**Importance:** High

To Whom It May Concern,

There has been a number of significant flooding events in Wiltshire in recent years which have affected local communities and following the implementation of the Flood and Water Management Act which amended s.66 of the Land Drainage Act 1991, local authorities are now permitted to make land drainage bye laws. Wiltshire Council is now intending to use its powers to make byelaws to assist it in carrying out its duties as a land drainage authority more effectively to reduce where possible the flood risk for local communities in Wiltshire. The proposed byelaws are based on the Defra model land drainage byelaws which have been used for a number of years by the Environment Agency.

For your information there are a number of stages to this process which I have summarised below;

1. *Draft byelaws are forwarded to Defra for checking*
2. *A formal consultation is undertaken with Natural England and any local navigation authority*
3. *Subject to the outcome of this consultation and having considered any responses received the Council makes a decision as to whether or not to make the bye laws. Under the Council's constitution this decision would need to be made by full Council.*
4. *If the Council decides to make the byelaws, they would then be made and advertised and a further formal consultation undertaken for a period of one month.*
5. *If any objections are received the Council must seek to resolve those objections where possible before forwarding the byelaws to the Secretary of State for confirmation (the byelaws do not come into operation until they are confirmed by the Secretary of state).*

The Council has already forwarded the draft byelaws to Defra for checking and the Council is now required to formally consult with Natural England and any local navigation authority to ensure that the proposed byelaws will not conflict or interfere with the operation of their byelaws and will not impact on any designated sites or species (Land Drainage Act 1991 s.66 (9)). The Canal and River Trust is the local navigation authority in Wiltshire. The Council is also intending to undertake an early informal consultation with Parish and Town Councils.

I have attached a copy of the proposed byelaws for your consideration together with a pdf copy of the latest Defra guidance for local authorities. Please would you provide any responses to the Council ([sarah.marshall@wiltshire.gov.uk](mailto:sarah.marshall@wiltshire.gov.uk) or [peter.binley@wiltshire.gov.uk](mailto:peter.binley@wiltshire.gov.uk)) within 21 days (by 10 December 2013).

Yours sincerely,

Mrs Sarah Marshall  
 Solicitor  
 Legal Unit  
 Wiltshire Council

Direct Line - 01225 718567  
 Fax - 01225 713998  
 Mobile - 07771 506703  
 Email - [sarah.marshall@wiltshire.gov.uk](mailto:sarah.marshall@wiltshire.gov.uk)  
 Web - [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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Please note I work Monday to Wednesday and work from home on Thursdays. For any urgent legal matters that cannot await my return to the office please contact Paul Taylor on 01225 718366.

For all other administrative/PA matters (arranging meetings and telephone messages) please contact the Litigation Paralegal Sharon Lewis on 01225 718055 and ensure I am copied into any meeting related emails to Sharon.

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## Doyle-Wiaczek , Caroline

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**From:** Walker, Alice (NE) <Alice.Walker@naturalengland.org.uk>  
**Sent:** 02 December 2013 11:56  
**To:** Marshall, Sarah  
**Subject:** Proposed Land Drainage Bye Laws - Wiltshire Council  
**Attachments:** 104188\_land\_drainage\_byelaws\_wilts.pdf; ATT00001.txt

Dear Sarah

Please find attached our response to the consultation on proposed land drainage byelaws for Wiltshire Council.

Kind regards,

Alice Walker  
Lead Adviser, Land Use Operations  
Natural England  
Temple Quay House  
2 The Square  
Bristol BS1 6EB

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