



RIVERSIDE OWNERS' GUIDE

A guide for people living near rivers and streams

National Rivers Authority
Thames Region



ENVIRONMENT AGENCY

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WHO TO CONTACT

Telephone numbers of the appropriate offices for all the departments mentioned in this booklet can be obtained from the BT telephone directory, (see full page advertisement under National Rivers Authority), or from our Head Office in Reading 0734 535000.

You may also wish to contact the following departments:

NAVIGATION

Navigation information for the non-tidal river Thames upstream of Teddington Lock. All accidents on this part of the river should be reported first to the emergency services and then to the appropriate navigation office. Accidents on the tidal Thames should be reported to the Port of London Authority.

POLLUTION

Please report any suspected pollution as soon as possible by telephoning the nearest pollution control office or the 24 hours linkline 0800 252768.



'RIPARIAN OWNERS' AND THE NATIONAL RIVERS AUTHORITY

You are a riparian owner if your property or land is on or very near a river. Riparian owners have legal rights over the water - and there are also some legal responsibilities.

The National Rivers Authority - the NRA - looks after rivers and watercourses throughout the country. It too has rights and responsibilities which can often affect people living on the river.

This booklet explains how the rules affect you, and how you and the National Rivers Authority can work together to protect the working and natural environment of our rivers and streams.

It also contains the 'Land Drainage Byelaws' that are applicable throughout the Thames Region of the National Rivers Authority, they are printed in full for your reference and cover watercourses known as 'main' rivers. These 'main' rivers are covered by the Water Resources Act 1991 and are defined on maps held by the Authority. Other watercourses, or 'ordinary' watercourses are covered by the Land Drainage Act 1991.

In determining all river works which need its approval, the NRA must, under these Acts, also consider whether the proposals conserve and enhance the natural environment.

As well as the byelaws administered by the National Rivers Authority, there are other rules affecting riparian owners. Some London Boroughs and other local authorities have their own byelaws saying what you can and cannot do in or near rivers or watercourses - you can get these from your local authority.

The information that follows is intended to provide an introductory guide for riparian owners to some of the rules and restrictions governing the use of their property. It must, however, be appreciated that the actual interpretation of the byelaws in any given situation would, in the final event, be a matter for the courts.

ABOUT THE NATIONAL RIVERS AUTHORITY THAMES REGION

The National Rivers Authority is the largest environmental protection agency in the UK. Our job is to protect and improve the nation's natural water supplies, rivers and streams. We look after water resources, flood defence, fisheries, recreation, wildlife conservation, as well as pollution monitoring and, on the non-tidal Thames, navigation.

The Thames Region with its Head Office in Reading, covers the area from Banbury in the north to Crawley in the south, from Swindon in the west to Bexley to the east of London. It is one of the largest of the NRA's ten Regions.

WHY ARE THERE BYELAWS?

The Land Drainage Byelaws, administered in this area by the Thames Region of the NRA, help to reduce the affect of floods, which can be costly and dangerous for the whole community.

PROTECTING THE FLOODPLAIN

The floodplain is the low lying land next to the river. All rivers flood from time to time; before people started building next to rivers floods were generally confined to the floodplain.

If the floodplain is obstructed by buildings or other man-made objects, water cannot flow smoothly away and the effects of flooding are worse. Land drainage laws make rules to limit obstructions on the floodplain.

LAND DRAINAGE CONSENT

You must get 'land drainage consent' from the NRA as well as any planning consent required by your local council before you build anything, plant a tree or dig a ditch on or near the banks of a 'main' river, or build a structure that would affect the flow on an 'ordinary' watercourse.

OWNERSHIP

The National Rivers Authority does not generally own watercourses. They are owned by various riparian owners along their length.

YOUR RIGHTS AS A RIPARIAN OWNER

If your property is on the bank of a non-tidal river or stream, you may own the land up to the centre of the water or the far bank. Your solicitor will tell you if there are rights owned by anyone else.

You are entitled to:

- protect your property from flooding; and
- protect your banks from erosion.

These rights are modified by your duty to the rest of the community and to the environment. Environmental issues including wildlife conservation, fisheries, reshaping of the river and landscape must all be considered. This means you must show the plans of any work to the NRA and/or local authority and, if necessary, get a land drainage consent before going ahead.



YOUR DUTIES AS A RIPARIAN OWNER

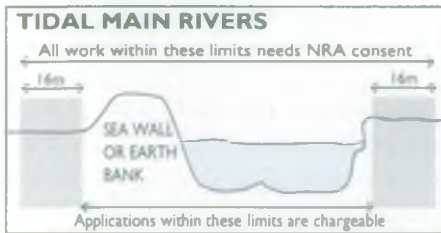
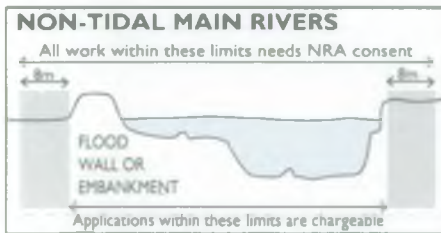
You have duties to the people upstream and downstream of your land and, of course, you cannot do anything which is likely to cause flooding.

In general, you must accept water from your upstream neighbour and pass it on, together with drainage from your property, to your neighbour downstream.

The ultimate responsibility for maintenance of the watercourse, including the banks, rests with the riparian owner.

This could include clearing obstructions, repairing the banks, protecting vegetation and trees and removing rubbish.

Specifically, you will have to get permission before you can do almost any kind of structural work on or near the banks, or anywhere within the river floodplain. This permission is extra to any planning and building consents needed by local authorities. The land drainage consent, and where you get it from, depends on what kind of river you live near and how close to the river the planned works are. You may have other duties too. Fishing, boating, conservation of the natural environment, taking water out of or putting water into the river, are all regulated by the NRA. It is important that riparian owners preserve access to the banks of rivers and streams for maintenance and safety purposes.



Main Rivers

'Main' rivers are usually larger streams and rivers. Some of the larger 'main' rivers in the Thames Region are named on the map on page 3, but the NRA holds complete lists.

If your property is next to a 'main' river, you will need consent for:

- building, replacing, altering or repairing anything within 8 metres of the non-tidal part of the river, or 16 metres of the tidal part;



- diverting or containing the river itself or river flood water;
- any work to the river bank;
- any structure, land shaping or earthworks within the floodplain; and
- any work on tidal flood defences.

On tidal rivers you may also need to contact the Port of London Authority for a licence.

The Thames

The Thames is a 'main' river, so you will need consents as detailed above, but the non-tidal section between Cricklade Town Bridge and the Port of London boundary, approximately 242 metres downstream of Teddington Lock, is a public navigation and subject to special licensing requirements affecting work on the beds or shores of the river, including mooring and landing facilities. Details of these are available from the NRA.

ORDINARY WATERCOURSE



An 'ordinary' watercourse is every natural river or stream which is not a 'main' river.

If your property includes or borders on an 'ordinary' watercourse, you will need a consent from the NRA for anything which might affect the flow, including dams, weirs, mills, channel diversions and culverts (piping).

Local authorities often have their own regulations and byelaws affecting what you can and cannot do on 'ordinary' watercourses: contact your local planning department when you are thinking about doing any work. In the special case of culverts, you may need local authority permission under section 263 of the Public Health Act 1936. Again, your local planning department will tell you what you must do.

OWNERS OF MILLS, WEIRS, ETC.

If you own a structure which affects river levels and flow you have particular responsibilities.

By law you must maintain and operate it properly. Apart from your obligations under the Land Drainage Byelaws (see sections 17,18 and 19), you may be sued in the civil courts by anyone who suffers as a result of your neglect.

In practice, the NRA normally works smoothly with owners of these 'river control structures' and helps owners where it can.

Our flood defence team is always willing to advise on reducing problems of maintenance and operation, and will often help clear obstructions when floods or storms cause problems.

If you are buying a property which includes a river control structure it is worth contacting the appropriate Area Flood Defence Manager to introduce yourself and find out how you can work together to prevent any problems arising.

APPLYING FOR A CONSENT

The NRA will want to see full details of the work you propose at least two months before you plan to start it. Even earlier contact can avoid much wasted effort and delay.

APPLICATION FORMS

After we have agreed these preliminary details, we will ask you to fill in an application form which must be returned to us with the appropriate fee. The sketch on page 7 shows the boundaries within which charges are applicable on 'main' rivers and the details on page 9 refer to 'ordinary' watercourses. The usual fee is £50 per consent (no VAT is charged). Some consents may be exempt, and we will discuss this with you before you make your application.

HOW THE NRA DEALS WITH CONSENTS

The NRA Thames Region is legally obliged to grant consents to reasonable proposals which will not endanger the flow of the river or of floodwater.

But we must look at wider issues as well. As the main environmental protection agency for rivers we are charged with, wherever possible, improving wildlife habitats, conserving and enhancing areas of natural beauty, and preserving other landscape features of special interest to make rivers more attractive places for the people who live by them or use them for work and leisure.

We employ environmentalists as well as drainage engineers, and we spend money on environmental improvement as well as flood defence, navigation and keeping pollution at bay.

So while we check all applications for their effects on land drainage, we also look at their effect on the environment.

Where we can see an opportunity for environmental improvement we will suggest it. If we have the time and/or money available, we may even offer to finance or do some of the work.

THE ROLE OF THE NRA



The Water Resources Act 1991 gives the NRA certain powers to carry out works on 'main' river watercourses for flood defence purpose. These powers are 'permissive, allowing the NRA to determine how and where it carries out work according to priority and available resources. Such maintenance work might involve constructing weirs and other flood defence structures, removing silt and other obstructions and clearing vegetation likely to pose a flooding threat.

To summarise, your application for a consent will result in either:

- 1 Approval, normally with certain conditions;
- 2 Approval after reasonable alterations;
- 3 Approval as above with suggested alterations to improve the environment and a possible offer of help; or
- 4 Refusal.

IF YOU FAIL TO GET A CONSENT

If you think consent has been withheld unreasonably you may object. If you cannot reach agreement an arbitrator will be appointed to settle the matter.

If you do any work covered by the byelaws without getting formal consent from the NRA Thames Region the consequences could be expensive.

The NRA can do whatever work it decides is necessary to remove or alter your work, and get the cost back from you. Or it can require you to remove or alter the work yourself. Failure to put things right would be a criminal offence.

In fact there is seldom a need for this kind of drastic measure. People who own property on or near rivers often get to know their local NRA people well, and work closely with them to protect and improve the river and its surroundings for the benefit of everyone who lives, works and plays there.

THE FLOOD WARNING SYSTEM



We monitor rainfall and river flows throughout our area 24 hours a day, using a region-wide system of raingauges and river gauging stations linked to our central computers. We also make use of weather radar and Meteorological Office forecasts. When conditions suggest floods are possible we issue warnings to the police. If flooding is likely they in turn alert the other emergency services and local authorities so that people who might be affected are warned.

Under these conditions we issue a series of flood warnings leading finally to a 'red' warning which means that serious flooding in a particular area is likely and that public warnings should be issued.

Our aim is to issue a red warning to the police at least 4 hours before flooding is likely to occur. In the built-up areas of London this is not always so easy and depends on the type of storm and the particular area. For example, very intense, local summer storms can cause flooding within minutes of the start of rain.

We also pass the information to local radio and television covering the area affected and keep them regularly updated. We are doing all we can to reduce the risk of flooding and to give advance warning. You can help yourself and others by preparing in a number of ways.



IN THE EVENT OF FLOODING

DO

- check that the neighbours know about any flood warnings that have been issued, especially if they are elderly or infirm.
- move people and animals to a place of safety.
- consider moving furniture and valuables out of harm's way.
- keep up-to-date by listening to your local radio station for news bulletins.
- prepare yourself. Have spare clothing, waterproofs, Wellington boots, torch, batteries, radio and food easily accessible.
- switch off electricity, gas and water if you have to leave your premises.
- seek advice from a reputable company if your carpets are damaged.
- ventilate your building after flooding if you can - the less damp, the less damage.
- contact your local council if you need sandbags or other help.

DON'T

- throw rubbish into watercourses as this can create blockages and cause flooding.
- attempt to switch on electrical appliances or circuits that have been affected by water until they have been checked by a qualified electrician.
- dispose of damaged goods until your insurance company has had the opportunity to inspect them.

THAMES WATER AUTHORITY LAND DRAINAGE BYELAWS 1981

The Thames Water Authority Land Drainage Byelaws 1981 are the Land Drainage Byelaws in force in the Thames Region of the National Rivers Authority (NRA). They were made by the Thames Water Authority under Section 34 of the Land Drainage Act 1976 as confirmed by the Minister of Agriculture, Fisheries and Food on 15th August 1983, and came into operation on 15th September 1983. They are now enforced by the NRA by virtue of the Water Resources Act 1991. Accordingly, all references in these Byelaws to 'the Authority' should now be construed as reference to the NRA whose principal Regional Office is at Kings Meadow House, Kings Meadow Road, Reading RG1 8DQ.

LAND DRAINAGE BYELAWS

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Thames Water Authority

LAND DRAINAGE BYELAWS 1981

The Thames Water Authority, under and by virtue of the powers and authority vested in them by Section 34 of the Land Drainage Act 1976 and of every other power enabling them in that behalf, hereby make the following Byelaws for securing the efficient working of the drainage system in their area:

1 Citation and commencement

These Byelaws may be cited as the Thames Water Authority Land Drainage Byelaws 1981 and shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Minister.

2 Application

These Byelaws shall have effect within the Thames Water Authority area for the purposes of their functions relating to land drainage.

3 Definition and interpretation

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

Act means the Water Resources Act 1991 or the Land Drainage Act 1991 as the case may be.

Area means the area of the Authority for the purposes of

their functions relating to land drainage;

Authority means the Thames Water Authority;

Area liable to flood means the area shown coloured blue on the maps prepared in quadruplicate signed by the Chairman of the Authority and marked 'Thames Water Authority Land Drainage Byelaws 1981 Area Liable to Flood' of which one set is deposited and available for inspection at the offices of the Minister of Agriculture, Fisheries and Food, another set at the Head Office of the Authority and the remaining sets at the offices of the Authority situate at Reading in the County of Berkshire and at Waltham Cross in the County of Hertfordshire.

Bank means any bank, wall or embankment adjoining or confirming, or constructed for the purpose of or in connection with, any watercourse forming part of the river as hereinafter defined and, in the case of such a watercourse within which tidal waters flow, includes all land between the bank and low water mark of mean spring tides, or in the case of other watercourses forming part of the said river, includes all land between the bank of the river and the water in the watercourse from time to time;

Consent means the consent of the Authority in writing signed on behalf of the Authority by any officer authorised by them in that behalf;

Drainage works includes works for defence against water (including sea water), irrigation and warping;

Flood protection works means any works constructed or maintained by the Authority for the purpose of mitigating flooding;

Land includes water and any interests in land or water and any easement or right in, to, or over land or water;

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 occupation thereof;

Person includes a body corporate;

Railway means a railway constructed under the powers of any Act of Parliament and intended for the conveyance of passengers or goods;

River means the main river as defined for the time being by the Minister on the main river map of the Authority's area and includes the banks thereof and any structure or appliance for controlling or regulating the flow of water into, in or out of the channel and situate therein, or in any part of the banks thereof (other than any such structure or appliance which is vested in or controlled by an internal drainage board);

River control work means any sluice, flood gate, lasher, valve, paddle, penstock, lock, weir, dam, pump, pumping machinery, pipe or any other structure or appliance for controlling, measuring or regulating the level of the water, or the flow of water in, into or out of; the river or for drawing water from, or delivering water into, the river;

Sea wall includes any such bank, wall or embankment in connection with any tidal river as is a work in connection with the river;

Vessel includes any ship, hovercraft (as defined by the Hovercraft Act 1968), aircraft, hydrofoil, lighter, keel, barge, tug, launch, houseboat, pleasure boat, randan,

wherry, skiff, dinghy, shallop, punt, canoe, yacht, raft, float of timber, or any other craft whatsoever whether worked, navigated or propelled by steam, petrol, oil, electricity or other mechanical means or otherwise;

Watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dykes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) 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;

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

4 Control of structures, pipes and cables

No person shall, without the previous consent of the Authority:

a erect or construct, or cause or permit to be erected or constructed, any fence, post, pylon, wall, wharf, jetty, pier, quay, piling, groyne, revetment, or any other building or structure whatsoever in or over the river;

b erect or construct, or cause or permit to be erected or constructed, any fence, post, pylon, wall, or any other building or structure within 8 metres measured horizontally from the foot of any bank of the river on the landward side or, where there is no such bank, within 8 metres measured horizontally from the top edge of the batter enclosing the river, or between a line drawn at a distance of 16 metres from the foot of any sea wall measured horizontally on the landward side and low water

mark of mean spring tides;

Provided that this sub-paragraph shall not apply to any fence or post if no part of such fence or post exceeds 1.5 metres in height above the level of the adjoining land and, in the case of a fence, it is required for the purpose of agriculture and is constructed only of posts and wire strands or wire netting of not less than 100:mm square mesh;

c place or affix, or cause or permit to be placed or affixed, any gas or water main or any sewer or any pipe whatsoever, or any telephone wire or electric main or cable, in, under or over the river, or in, under, over or through any bank, drainage works or flood protection works, or within 8 metres measured horizontally from the foot of any bank of the river on the landward side or, where there is no such bank, within 8 metres measured horizontally from the top edge of the batter enclosing the river;

Provided that any person may execute any temporary works as aforesaid in case of emergency but in such event he shall forthwith inform the Authority and comply with any reasonable directions which the Authority may give with regard thereto.

5 Control of excavations and removal of turf, etc.

No person shall, without the previous consent of the Authority -

a cut, pare or remove, or cause or permit to be cut, pared or removed, any turf forming part of any bank, drainage works or flood protection works;

b make or cut, or cause or permit to be made or cut, any

tunnel or any drain, culvert or other passage for water in, into, out of or under the river or in, under or through any bank, drainage works or flood protection works.

6 Control of dredging and removal of shingle, etc.

No person shall, without the previous consent of the Authority, dredge, dig for, search, quarry, raise, take, get away or remove, or cause or permit to be dredged, dug for, searched, quarried, raised, taken, got away or removed, by any means whatsoever, any beach, sand, ballast, shingle, builders' grit, gravel, boulders, stones, earth, clay, chalk, or other materials or substance of any kind or description;

a from the bed of the river or from any part of any bank, drainage works or flood protection works;

b from any land within 16 metres of any part of the bank;

c from any part of the foreshore of the area below high water mark of mean spring tides for the time being or from any deposits or accretion resulting from any works carried out by the Authority or its predecessors;

d between high water mark of mean spring tides and the foot of the landward side of any sea wall;

e between the foot of the landward side of any sea wall and a line drawn on the landward side of any such sea wall at a distance of 200 metres from and parallel to the foot of the landward side thereof.

7 Endangering stability of the bank

No person shall do, or cause or permit to be done, anything in or upon any land adjoining any bank or any

drainage works or flood protection works, of such a nature as to cause damage likely to endanger the stability of the bank, drainage works or flood protection works.

8 Interference with Banks etc.

No person shall interfere with, remove or in any way damage, any bank, bridge, building, drainage works, flood protection works, river control work, sea wall, or any structure or appliance, or any other thing whatsoever which is the property of or vested in the Authority.

9 Deposit of material on banks

No person shall use, or cause or permit to be used, any bank, drainage works or flood protection works for the purpose of depositing, stacking, storing or keeping any rubbish, goods, vehicles, plant, machinery or any material or things thereon in such manner as by reason of the weight, volume or nature thereof to cause damage to or endanger the stability of the bank, drainage works or flood protection works or interfere with the deposit of spoil on the bank, drainage works or flood protection works by the Authority.

10 Vehicles on banks

No person shall use or drive, or permit or cause to be used or driven, any cart or vehicle, plant or machinery of any kind whatsoever on, over or along any bank, drainage works or flood protection works in such manner as to cause damage to such bank, drainage works or flood protection works.

11 Damage by use for fishing, grazing etc.

No person shall, after notice has been served upon him by the Authority, use or cause or permit to be used any bank, drainage works or flood protection works -

- a for the purpose of fishing;
- b for the purpose of grazing or keeping any animal thereon;

unless he shall have taken such steps as are necessary and reasonably practicable to prevent the bank, drainage works or flood protection works from being damaged by such use:

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of any bank, drainage works or flood protection works for the purpose of enabling stock to drink at any place made or to be made or constructed for that purpose as may be approved by the Authority.

12 Destruction of vermin

The occupier of any bank, drainage works or flood protection works or of any part thereof shall, upon being required by the Authority by notice in writing, within such reasonable time as may therein be specified, take such steps as the Authority consider necessary and practicable for preventing the bank, drainage works or flood protection works from becoming infested by rabbits, rats, coypus, moles, mink and any other vermin in or on the bank, drainage works or flood protection works;

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, drainage works or flood protection works.

13 Obstructions to flow

No person shall put, or cause or permit to be put, or wilfully or negligently cause or permit to fall, into the river any tree or trunk or branch or part of a tree or any timber or wreck, debris, willows, shrubs, weeds, grasses, stones, earth, mud, ashes, dirt, soil, rubbish, or any object or matter of any kind whatsoever so as to impede the flow of water in, into or out of the river.

14 Planting of trees, etc.

No person shall, without the previous consent of the Authority, plant any tree, shrub, willow or other similar growth within 8 metres of any part of the bank.

15 Repairs to buildings

The owner of any buildings or structures in or over the river or on the banks thereof shall, upon receipt of a notice from the Authority 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 river;
or

b the building or structure is causing or is in imminent danger of causing damage to the bank of the river;
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.

16 Obstruction of areas liable to flood

No person shall, without the previous consent of the Authority, form or erect, or cause or permit to be formed or erected, on land within the area liable to flood any building or structure or any heap or heaps of any material whatsoever of such a size or character as of itself or in combination with similar acts of the same or any other person to affect the efficient working of the drainage system of the area;

Provided that-

a the foregoing provisions of this Byelaw shall not apply to temporary works constructed in an emergency provided that notice of the construction of such works shall forthwith be given in writing to the Authority and such works shall be removed if so requested by and in accordance with the directions of the Authority;

b such consent shall not be required where planning permission for that building, structure or heap has been granted by a local planning authority within the meaning of the Local Government Act 1972 or by the Secretary of State for the Environment on an application in that behalf made to a local planning authority and such permission is for the time being in force;

c such consent shall not be required for the formation or erection, in accordance with good agricultural practice, of hay or straw stacks, of sugar beet or potato clamps, of manure heaps or of other like heaps.

17 River control works

1 Any person having charge of any river control work shall -

- a** maintain it in a proper state of repair and efficiency to the satisfaction of the Authority;
- b** use it in such manner as not to affect the efficient working of the drainage system of the area; and
- c** comply with such reasonable directions as may from time to time be given by the Authority with a view to the prevention of flooding or any shortage in the flow or supply of water or otherwise to the efficient working of the drainage system of the area

2 Unless it is otherwise shown, the occupier of land comprising or abutting on that part of the river in which the river control work is situate, or where there is more than one such occupier, each of such occupiers, shall, for the purposes of these Byelaws, be deemed to have charge of the river control work

18 Discontinuance of and interference with river control works

1 No person having charge of any river control work shall, without the previous consent of the Authority -

- a** discontinue the use thereof or remove the same; or
- b** carry out any alteration or reconstruction of, or addition or reduction to, the river control work;

Provided that the foregoing shall not apply to any action taken in an emergency if notice in writing of that action is given to the Authority as soon as practicable thereafter.

2 No person shall, without lawful authority, operate or interfere with any river control work.

19 Alteration of level or flow

No person shall divert or alter, or cause or permit to be diverted or altered, the level of or direction of the flow of water in, into or out of the river without the previous consent of the Authority, except where necessary in the ordinary course of lawful navigation.

20 Navigation of vessels

No person shall navigate any vessel in the river in such a manner or at such a speed so as to injure any bank, drainage works, flood protection works or river control work and where the Authority has by notice erected at any place, limited the speed of vessels passing such place, no person shall navigate a vessel at a speed greater than the speed so limited;

Provided that the Authority shall not exercise its powers under this Byelaw to limit the speed of vessels in any tidal waters except after consultation with the Secretary of State, Department of Trade.

21 Vessels not to obstruct flow etc.

No person shall moor or leave unattended any vessel without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in, into or out of the river, or so as to impair the efficiency of any drainage works, flood protection works or river control work.

22 Mooring of vessels to bank

No person shall moor or place any vessel to or upon any part of the bank in such manner or by such method as to cause or be likely to cause injury to the bank.

23 Sunken vessels

No person who is the owner of a vessel sunk, stranded, damaged or adrift in the river shall, after the receipt of notice from the Authority that the vessel is causing obstruction, permit the vessel to remain in the river in such a manner as to impede or harmfully divert the flow of water into, in or out of the river or to endanger the stability of any bank, drainage works or flood protection works.

In this byelaw 'owner' means the owner of the vessel at the time of the sinking, stranding, damage or coming adrift thereof.

24 Flood warning systems

No person shall interfere with or cause damage to any flood warning system established and maintained by the Authority.

25 Trespass

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

26 Interference with notices

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

27 Obstruction of officers

No person shall obstruct, interfere with or resist any officer or agent or servant of the Authority exercising any of his powers or duties under the Act or these Byelaws.

28 Consent not to be unreasonably withheld

Where by these Byelaws any person is required to refrain from doing any act without the consent of the Authority -

a in deciding whether to give or withhold their consent, the Authority 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 Authority of their functions under the Act;

b such consent shall not be unreasonably withheld but the Authority may attach thereto reasonable conditions;

c the provisions of section 110 (3)(b) of the Water Resources Act 1991 or any re-enactment thereof (as the same may from time to time be in force) shall apply with the necessary modification to such consent.

29 Breach of conditions of consent

Where the Authority 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 any of those conditions shall be deemed, as regards liability to a

fine and other consequences, equivalent to the doing of the act without the required consent.

30 Consent of authority not obtained

Where any act is done for the doing of which the consent of the Authority is, under these Byelaws, required and either the consent of the Authority has not been obtained or, if such consent has been obtained, there is a breach of any condition which was attached thereto the Authority may consent, subject if they see fit to such conditions or such further or alternative conditions as they may reasonably impose, to the continuance of the act or any part of it or the retention of any part or the whole of any work done.

31 Applications for consent

Any application for the consent of the Authority shall contain such plans and specifications as the Authority may reasonably require.

32 Service of notices

Notices required or authorised to be given to or served on any person under these Byelaws may be given or served in the manner in which notices may be served under Section 220 of the Water Resources Act 1991.

For the purpose of these Byelaws the word 'premises' referred to in Section 220 of the Act shall include a vessel.

33 Savings for local authorities, statutory undertakers etc.

Nothing in these Byelaws shall -

- a conflict with or interfere with the operation of any Byelaw made by a 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 the British Airports Authority;
 - ii the British Gas Corporation;
 - iii the British Railways Board and the London Transport Executive under the Transport (London) Act 1969 with respect to the construction, use or maintenance of any railway bridge or any other work connected with their railways or so as to interfere with the traffic thereon;
 - iv the Central Electricity Generating Board or any Area Board established under the Electricity Acts 1947 and 1957;
 - v the Civil Aviation Authority;
 - vi any local authority;
 - vii any navigation, harbour, pilotage or conservancy authority;
 - viii the Post Office;
 - ix any public utility undertaking carried on by a local authority under any Act or under any order having the force of an Act;
 - x the Lee Valley Regional Park Authority;

c affect any liability arising otherwise than under and by reason thereof.

34 Saving for the Crown

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.

35 Determination of disputes

- i Where by or under these Byelaws (except Byelaws 4, 15, 16, 17, and 23) any person is required by a notice given by the Authority to do any work or to comply with any directions of the Authority he may, within 21 days after the service of such notice on him, give to the Authority a counter-notice in writing objecting either to the reasonableness of, or to the necessity for, such requirement or directions and in default of agreement between such person and the Authority the dispute shall be determined as hereinafter provided. Where such a counter-notice has been given to the Authority 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 in this Byelaw.
- ii Any dispute as to whether the consent of the Authority under these Byelaws to the doing of any act has been unreasonably withheld, or as to whether any conditions subject to which such consent is granted are unreasonable,

or as to the satisfactory execution of any work which is required by a notice given by the Authority under these Byelaws to be done, or as to compliance with any directions which the Authority is empowered by these Byelaws to give, shall be determined as hereinafter provided.

iii Such a dispute between a drainage authority or a local authority and the Authority shall be referred to the Minister whose decision shall be final. 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.

36 Revocation of existing byelaws

All Byelaws made under the Act, or under corresponding provisions of any enactment repealed by the Act, by the Essex River Board, the Lee Conservancy Catchment Board and the Conservators of the River Thames, are hereby revoked in respect of the area of the Authority for the purposes of their functions relating to land drainage.

THE COMMON SEAL of THAMES WATER
AUTHORITY was hereunto affixed in the presence of



Signed G. EDWARDS
Chairman

Signed HUGH FISH
Appointed Officer

Dated the second day of
December, 1981

The Minister of Agriculture, Fisheries and Food, in pursuance of the powers conferred upon him under Section 34 of, and paragraph 6 of Schedule 4 to, the Land Drainage Act 1976 HEREBY CONFIRMS these Byelaws. IN WITNESS whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th August, 1983.



Signed R. C. McIVOR
Assistant Secretary

(Note: These Byelaws incorporate modifications made by the Minister with the consent of the Water Authority)

Notes

1 The Land Drainage Act 1976 has been replaced by the Water Resources Act 1991 and the Land Drainage Act 1991.

2 If any person acts in contravention of, or fails to comply with, any of these Byelaws he shall be liable on summary conviction to a fine not exceeding £2000 and, if the contravention or failure is continued after conviction, to a further fine not exceeding £40 for every day on which the contravention or failure is so continued.

In addition the Authority 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. (Water Resources Act 1991, Section 211 (4) and (5) as amended by Criminal Justice Act 1982). With reference to Byelaw 28(c), Section 29(3)(b) of the Land Drainage Act 1976 provides that any consent or approval required under that section shall, if neither given nor refused within 2 months after application therefor is made, be deemed to have been given.



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