

**Policy and Protocol for Enforcement Action
under the Land Drainage Act 1991 –
Cambridgeshire County Council**

DRAFT

Produced by the Lead Local Flood Authority

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1 Statement and Aims

Cambridgeshire County Council is a Lead Local Flood Authority (LLFA) under the Flood and Water Management Act (2010).

Our Flood Risk Enforcement Policy aims to:

- Clarify our approach to flood risk management
- Define the criteria for enforcement intervention
- Explain our principles for regulation and enforcement
- Explain our flood risk enforcement process

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2 Introduction

2.1 Background and Legislative Framework

This document is provided in the context of specific requirements arising from the [Flood and Water Management Act 2010](#) the [Land Drainage Act 1991](#), and Objective 2 of the Cambridgeshire Flood Risk Management Strategy

Cambridgeshire County Council (CCC) is the [Lead Local Flood Authority](#) (LLFA) for the county. Under the Land Drainage Act 1991, the LLFA has permissive powers for consenting and enforcement of [Ordinary Watercourses](#), collectively referred to as Watercourse Regulation.

This policy is to be used by officers of Cambridgeshire County Council where there is [an impediment](#) to an Ordinary Watercourse, outside of the Internal Drainage Board [rateable areas](#), which is likely to cause harm.

Officers hold enforcement powers derived from sections 14A, 21, 23, 24 and 25 of the Land Drainage Act 1991, and powers of entry onto land for enforcement purposes derived from section 64 of the Land Drainage Act 1991. Please see **Table 1**:

Section 14A	Permissive power for a local authority to perform works for the prevention or mitigation of flood risk.
Section 21	Permissive power to serve notice on persons to repair or maintain Ordinary Watercourses, bridges, or drainage work.
Section 23	Permissive power to consent works which affect the flow of Ordinary Watercourses.
Section 24	Permissive power to serve notice requesting the removal of structures or rectification of alterations to a watercourse which have not received consent under Section 23 of the same act.
Section 25	Permissive powers to serve notice on persons requiring them to carry out necessary works to maintain the flow of any watercourse, and the power to carry out works in default and recover its reasonable expenses should the riparian owner fail to carry out their responsibility.
Section 64	Permissive power to enter any land for the purposes of carrying out their functions under the Act and to survey any land and inspect the condition of drainage works on it.

Table 1: Officers Permissive Powers

2.2 Our Approach

Cambridgeshire County Council takes a risk-based approach to managing flooding. This approach ensures that our response to any contravention of the legislation will be proportionate to the flood risk issues faced at the location.

For the Council to prevent unnecessary flooding we reserve the right to take enforcement action where the Council considers that an Ordinary Watercourse is in such a condition that the proper flow of water is impeded, and that this impediment is

causing or is likely to increase the risk of flooding to surrounding land and/or properties.

Any enforcement action will be proportional to the risk and the public interest.

This risk assessment may exclude those cases of nuisance caused by water, which should be dealt with under [civil nuisance](#) legislation directly between landowners.

Officers may also take into consideration the welfare of vulnerable residents in their approach to enforcement and decisions on the method and level of intervention to pursue.

The level of increase in flood risk is at the discretion of the Council having taken into account factors such as the risk of surface water flooding data, local knowledge, planning considerations. While flooding may exist, its severity may not warrant the taking of action but that does not prejudice the Council from acting later should the flooding, or damage caused by this, become more severe.

Where the Council is made aware of potential breaches to other legislation during an assessment, the appropriate authorities will be informed.

2.3 Our Target and Desired Outcome

In line with Cambridgeshire County Council's core objectives and values, our general approach is to educate landowners, residents, developers, farmers and businesses to enable compliance.

In the first instance, after being informed of a possible contravention, the council will seek to gain the landowners' informal co-operation in ensuring they are aware of their rights and responsibilities and that appropriate remedial works take place.

The desired outcome is always to ensure compliance through discussions and informal negotiations.

2.4 Principles

Underlying our commitment to regulation under the Land Drainage Act 1991 are the principles of:

- Proportionality in the application of the law and in securing compliance
- Consistency of approach
- Transparency about how the Council operates and what those we regulate may expect from us
- Targeting of enforcement action, and accountability for the enforcement action taken

3 Our Criteria for Enforcement Intervention

3.1 Definition

For the purpose of this statement **ENFORCEMENT** means any action the council takes where we suspect an offence has occurred, or in some cases is about to occur.

This may range from providing advice and guidance, serving notices, through to prosecution, or any combination that best achieves compliance.

REMEDIAL WORKS on a watercourse means works for protecting or for cleansing it, removing any matter which impedes the flow of water, or otherwise putting it in proper order. The extend of the work required will be proportionate to the scale of the problem.

3.2 Criteria for Intervention

On becoming aware of any contravention, the Council will carry out an initial assessment to establish whether the actual or potential flood risk meets the [threshold](#)¹ for intervention. Officers will undertake an investigation to establish the following:

Key Factors	Identity of the offender
	Location of the contravention
	Type of contravention
	Impacts of the contravention
Supporting Data	Flood prone areas from data held on the Council's flood investigation records
	Any available historic data or evidence of internal property flooding at or in the vicinity of that location
	Any indicators of potential risk, such as the Environment Agency Flood Risk Maps
	Information identified in the strategies and plans of other risk management authorities.
	Any other status of land, e.g., conservation designations, common land etc.

Table 2: Initial investigation factors and data

Following a major flood event the Council may choose to investigate some of these incidents if they re-occur. However in the event of a major flood incident occurring it

¹ Under *Section 19* of the Flood and Water Management Act 2010, the County Council investigates flood incidents that meet the threshold set out in our [Cambridgeshire Flood Risk Management Strategy](#)

will be necessary to prioritise incidents so that they meet the strict criteria for a formal flood investigation.

Contraventions that may lead to enforcement action being taken include, but are not limited, to:

- The failure to repair or maintain watercourses, bridges, culverts, or drainage works by the body or person with responsibilities to maintain the channel, also referred to as '*neglect*'
- Diversion of a watercourse for any reason
- Impediments, stopping up or other obstruction of the proper flow of water
- [Un-consented works](#)²

Where works are found to be un-consented the Council may require the landowner, person and/or persons responsible to prove that the un-consented works would not cause a nuisance or increase flood risk. Officers will also apply their own professional consideration of the likely harm or flood risk too. If this is not achievable enforcement action may be taken.

In some cases, the available evidence that would lead to successful enforcement action may be insufficient to meet the requirements to take enforcement action as set out in the Land Drainage Act 1991. In situations such as this, the Council will decide whether a case can be closed. A case may be re-opened pending the receipt of further, satisfactory evidence (e.g., photographs of a flood event/impact with date stamp or detailed historic records).

Where the council are unable to take action, a landowner may also be advised of their right to take their own private or civil action.

3.3 Enforcement Actions

The Council will take a risk based and proportionate approach to choosing which enforcement action(s) to take.

This will consider whether there has been a flood incident related to the contravention, the impact, scale and duration of any flood incident, and/or whether the contravention significantly increases the likelihood of a flood incident occurring.

Informal Action Informal action will be the normal means of securing compliance with legislation, except where more formal courses of action are warranted. Where it is considered remedial works are needed, the Council will inform and advise individuals of their riparian ownership and responsibility for ensuring flow. Informal action includes (but is not limited to):

² *Un-consented works* refers to any works carried out without Consent under Section 23 of the Land Drainage Act 1991, circumstances for un-consented works could include,

- a Consent application was refused but works were still carried out,
- a Consent application was approved but the works undertaken were not in accordance with the conditions of the Consent,
- no application for Ordinary Watercourse Land Drainage Consent was made.

It is not possible to provide retrospective Consent for un-consented works. [Cambridgeshire's Culvert Policy](#)

- Site visits and face to face advice meetings
- Sending of advisory letters
- Negotiating agreements between complainants and other residents or businesses
- Sending of warning letters and advising the responsible party that they must contact the case officer to discuss the matter or carry out the necessary maintenance works within a specified time (e.g., 14 days for contact; 28 days for works, 8 weeks for complex works)

It is generally considered appropriate to take informal action where the act or omission is not serious enough to warrant statutory enforcement, where there is a reasonable expectation that informal action will achieve compliance with the Land Drainage Act 1991 and any other statutory requirements, and where the consequence of non-compliance is unlikely to pose an unacceptable increase in risk.

Letters setting out the informal action that needs to be taken will be written at the discretion of the Case Officer and be proportionate to the level of risk. The Council will promote consistency in this correspondence through sharing of example text and training of Officers.

Formal Action

Formal notices will normally be served where the informal action required has not been actioned and achieved compliance, where there is lack of confidence that the individual/company will respond to the informal approach, where there is a history of non-compliance with informal action, and/or the consequences of non-compliance could be potentially serious to the health and safety of the public.

Formal action includes (but is not limited to):

- Issuing of Notices to enforce, prohibit or carry out works to an acceptable standard, and the date by which the works should be completed
- Direct remedial action carried out as necessary to comply with the notice (work in default), plus recharge of costs of remedial action
- Prosecution and reclaiming costs of prosecution

The Council may also issue press releases and other publicity relating to offences and offenders, proportionate to the flood risk, which could serve to draw attention to the need to comply with the law, or deter anyone tempted to act in a similar manner.

Where possible the Council will endeavour to find the most cost-effective solution in setting out the remedial works required when informal action is taken or a notice is served under s.21 LDA 1991 to resolve the nuisance or flood risk or s.25 LDA 1991 as applicable.

4 Principles of Regulation and Enforcement

4.1 Penalty Principles

We expect full voluntary compliance to Sections 23, 24 and 25 of the Land Drainage Act 1991. However, when considering the appropriate course of action to ensure compliance we aim to follow the Macrory Penalty Principles which are set out in the Regulators' Compliance Code. These state that enforcement should:

- Aim to change the behaviour of the offender
- Aim to eliminate any financial gain or benefit from non-compliance
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction
- Be proportionate to the nature of the offence and the harm caused
- Aim to restore the harm caused by regulatory non-compliance, where appropriate
- Aim to deter future non-compliance

Where the Council has been compelled to undertake works on behalf of the responsible party manage flood risk and comply with the notice, we will seek to recover the following costs from the responsible party

- Officer costs including time and mileage costs associated with the investigations and eventual works
- Legal costs
- Full costs for undertaking the works including labour, materials, equipment and services
- Full contractual costs for consultants and contractors hired to provide evidence during the investigation

4.2 Regulators Compliance Code

The Council must take account of the provisions in the Regulators' Compliance Code (2014) when devising and implementing regulatory policies and systems. However, those provisions do not apply directly to individual cases.

The requirements of the Code do not apply in certain situations, for example:

- Where it is necessary to respond immediately to either prevent or respond to a serious breach or incident
- Where following the provisions would defeat the purpose of the proposed enforcement action
- Where there are reasonable grounds to suspect that a serious criminal offence has been committed, in particular where such offending would have a damaging effect on legitimate business and desirable regulatory outcomes

4.3 Principles of firm but fair regulation

The Council believes in firm but fair regulation. Underlying our commitment to firm but fair regulation are the principles of:

- Proportionality in the application of the law and in securing compliance
- Consistency of approach
- Transparency about how we operate and what those we regulate may expect from us
- Targeting of enforcement action
- Accountability for the enforcement action we have taken

Proportionality

Any enforcement action the council takes will be proportionate to the risks posed to people and the environment and to the seriousness of the breach of the law and its impact on the lives of the communities with the County.

Consistency

Having a risk-based approach means the Council will apply its procedures consistently whilst giving due regard to the criteria for enforcement intervention. The Council aims to be consistent in the advice it gives, how it responds to incidents, the use of its powers, and the application of its criteria for intervention.

However, we recognise that consistency does not mean simple uniformity. Officers need to take account of many variables, the impacts of the contravention and the history of previous incidents of breaches.

Decisions on enforcement action are a matter of professional judgement and our officers need to be able to exercise this judgement, particularly on estimating the potential impacts of a contravention.

The Council will continue to develop arrangements to promote consistency, including effective ways to liaise with other enforcing authorities.

Transparency

Transparency is important in maintaining public confidence in our ability to regulate. It means helping regulated entities and others to understand what is expected of them and what they should expect from us. It also means making clear why an officer intends to take, or has taken, enforcement action.

Transparency is integral to an officer's role and the Council will continue to train staff and to develop procedures to ensure that:

- Where action is required, we clearly explain why the action is necessary and when it must be carried out, making a distinction between best practice advice and statutory legal requirements
- We provide the opportunity to discuss what is required to comply with the law before formal enforcement action is taken, unless urgent action is required, for example to protect people from flooding

- The Council's enforcement notices will provide an explanation of any rights of appeal against formal enforcement action at the time the action is taken

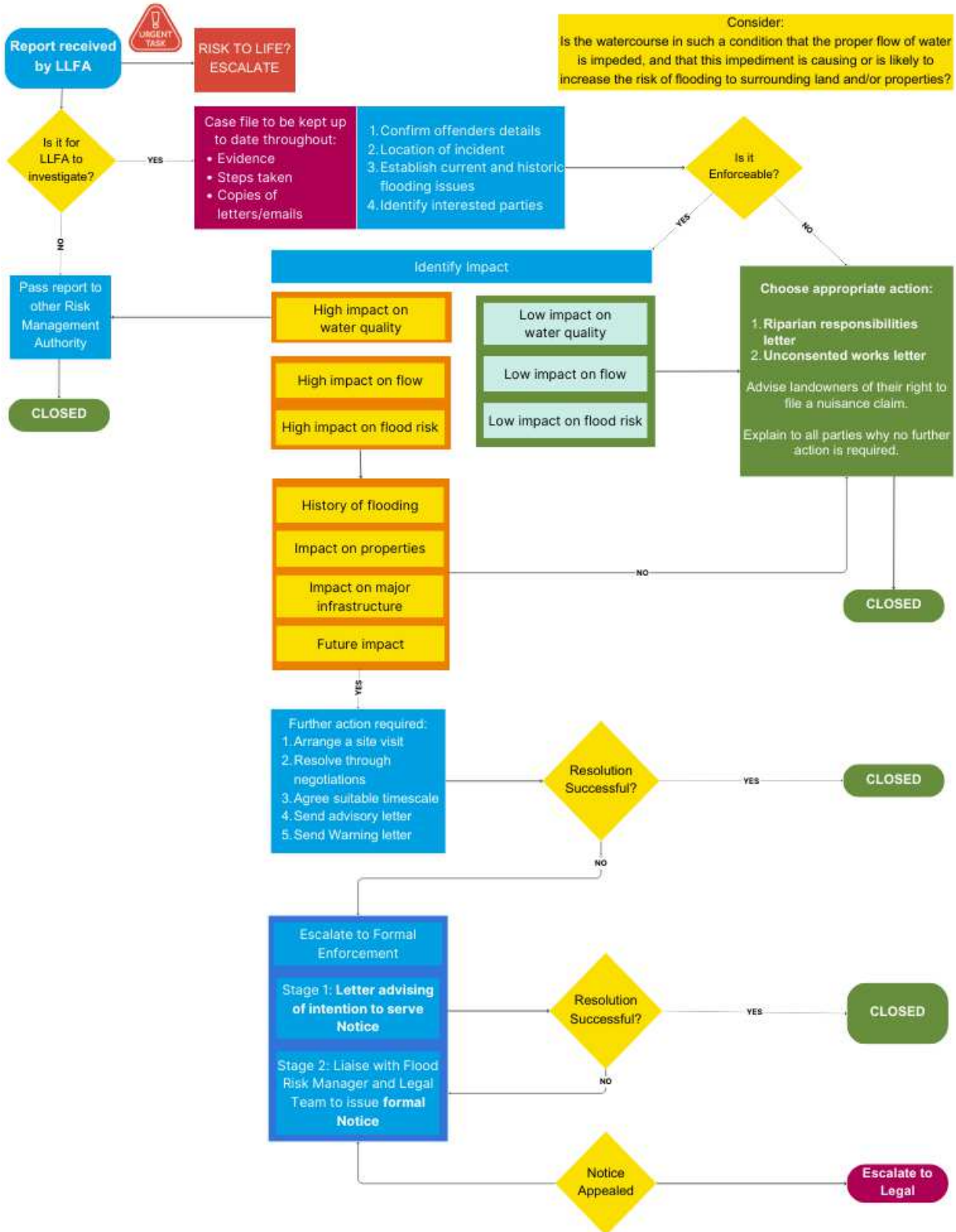
Accountability

Accountability means that the Council takes responsibility for its decisions and will justify them where appropriate. Notices will include relevant information on how to appeal and complain.

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Appendix A - Flood Risk Enforcement Process

Flood Risk Enforcement Process under the Land Drainage Act (1991)



Appendix B - Formal Enforcement Procedure and Letter Templates

Criteria for Formal Intervention

Where the actual or potential flood risk meets the threshold for FORMAL intervention the next steps are:

1. If the works are not carried out in the specified time of an informal letter, the Council may serve a notice under Section 21(2) of the Land Drainage Act 1991 requiring the nuisance to be abated. Where a contravention poses a significant flood risk, the first step may be by-passed, and the legal notice may be served immediately.
2. Where there is non-compliance with the Section 21(2) notice, the Council may then have the power under Section 21(4) of the Land Drainage Act 1991 to carry out remedial works and under Section 21(5) of the Land Drainage Act 1991 recover the costs of the works from the responsible party.

Where possible the Council will endeavour to find the most cost-effective solution in setting out the remedial works required when informal action is taken or a notice is served under s.21 LDA 1991 to resolve the nuisance or flood risk or s.25 LDA 1991 as applicable.

If the responsible party has been informed of the nature of remedial works required and the deadline for completion, and on inspection, no works have been satisfactorily undertaken, then a letter setting out the intent to serve notice under the relevant section of the Land Drainage Act 1991 will be prepared in consultation with the Council's legal services. A further 28 days will be given for completion of the works, before a formal Notice is served.

There may be cases where it is necessary to extend the period of compliance for more complex matters and/or to accommodate exceptional circumstances (e.g., weather, flood conditions etc.). The most likely being where works might cause disruption to wildlife and accounting for nesting season, between 1st March and 31st August. Whether any works need to be deferred or amended will be considered on a case-by-case basis.

Supporting evidence must be maintained by the Case Officer in the appropriate case file with an audit of steps taken in the investigation.

Serving Notice Under the Land Drainage Act 1991

Section 25 of the Land Drainage Act 1991 gives the Drainage Authority (in this case the Lead Local Flood Authority) the power to serve Notice for maintaining the flow of a watercourse. A Notice is a legal document formally requesting specific work to be carried out within a set timescale.

A Notice can be served in accordance with Section 25(3);

- (3) Subject to subsection (4) below, a notice under this section in relation to a watercourse may be served on –*
- a) any person having control of the part of the watercourse where any impediment occurs; or*
 - b) any person owning or occupying land adjoining that part; or*
 - c) any person to whose act or default the condition of the watercourse mentioned in subsection (1) above is due*

The Notice will include the provisions set out in Section 25(5) of the Land Drainage Act 1991. If the works are not carried out in accordance with the notice served then the authority has the right under Section 25(6) Land Drainage Act 1991 to enter the land, carry out the works and recover the costs of doing so.

- (5) A Notice under this section shall indicate –*
- a) the nature of the works to be carried out and the period within which they are carried out; and*
 - b) the right of appeal to a magistrates' court and the period within which such as appeal may be brought under Section 27 below.*
- (6) Subject to the right of appeal provided by Section 27 below, if the person upon whom a notice is served under this section fails to carry out the works indicated by the notice within the period so indicated –*
- a) The drainage board [...] concerned may themselves carry out the works and recover from that person the expenses reasonably incurred by them in doing so; and*
 - b) Without prejudice to their rights to exercise that power, that person shall be guilty of an offence and liable, on summary conviction to a fine not exceeding level 4 on the standard scale.*
- (7) In proceedings by the drainage board [...] concerned for the recovery of any expenses under subsection (6) above it shall not be open to the defendant to raise any question which he could not have raised on an appeal under Section 27 below.*

The person served the Notice can appeal the Notice to the Magistrates' Court under Section 27 of the Land Drainage Act 1991. Any appeal must be made with 21 days.

This allows for the following grounds of appeal;

- (1) A person served with a Notice under Section 25 above may, within twenty-one days from the date on which the Notice is served on them, appeal to a Magistrates' Court on any of the following grounds, that is to say –*

- a) *That the Notice or requirements is not justified by that Section;*
- b) *That there has been some informality, defect or error in, or in connection with, the Notice;*
- c) *That the body which served the Notice has refused unreasonably to approve the carrying out of alternative works, or that works required by the Notice to be carried out otherwise unreasonable in character or extent, or are unnecessary;*
- d) *That the period within which the works are to be carried out is not reasonably sufficient for the purpose;*
- e) *That the Notice might lawfully have been served on another person and that it would have been equitable for it to have been so served;*
- f) *That some other person ought to contribute towards the expenses of carrying out any works required by the notice.*

Steps for Serving Notice under the Land Drainage Act 1991

Following a subsequent period of up to 28 days of the date of the letter stating the Council's intent to serve notice, (or a period of time otherwise specified in the letter), if on inspection works have not been undertaken, then a formal Notice may be served.

The wording on the Notice will include the nature of the work that is to be carried out, the period within which it is to be carried out, and any relevant right of appeal to the Magistrates' Court within 21 days from the date of service of the Notice.

The Notice will inform the responsible person of the consequences in the event of their failure to comply with the nature / satisfactorily undertake the work;

1. **Work in Default** - The Council may carry out the works and recover from the landowner the expenses reasonably incurred by doing so. The Council will obtain a County Court Judgement of the sum owed
2. **Prosecution Case**: - The Council may also prosecute the person served for failure to undertake the works, in addition to carrying out the work and seeking to recover the costs of that work. The landowner will be guilty of an offence and will be liable on summary conviction to a fine not exceeding level 4 on the standard scale,

This section sets out standard template letters and notices which may be served should there be a contravention of the requirements of the Land Drainage Act 1991. Please note that the Council may update or amend these letters depending on the breach to be rectified or updates to legislation.

The Council reserves its right to rely on other powers if it is felt that these would be better suited to resolve the matter in an informal manner.

Appendix B cont. Letter template B1 - Intention to Serve Notice

Dear [landowner name],

INTENTION TO SERVE NOTICE:

MAINTENANCE OF WATERCOURSE AT [LOCATION NAME]

[OR]

UNCONSENTED WORKS AT [LOCATION NAME]

Further to our meeting on [insert date] and my letters dated [insert date] and [insert date] regarding the maintenance works required on the watercourse at [location name]

[OR]

I am writing to you with reference to my letters dated [insert date] and [insert date] regarding the maintenance works required on the watercourse at [location name].

I confirmed that the above works have been carried out without Cambridgeshire County Council's consent. This is in contravention of Section 23 of the Land Drainage Act 1991.

Unless the works detailed in my previous letters are completed within **28 days** from the date of this letter, the Council will have no other alternative but to serve a Legal Notice on you as the landowner, under Section 25 of the Land Drainage Act 1991.

I urge you to respond to this letter either in writing or by telephone at your earliest convenience to advise that the maintenance work will be carried out or to arrange an inspection of the completed works.

Yours sincerely

[Officer Name]

[Job Title]

Telephone number:

Email:

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Appendix B cont. Letter template B2 - Notice Enclosed

Dear [riparian owner name]

NOTICE SERVED: **UNCONSENTED WORKS/MAINTENANCE** ON THE ORDINARY WATERCOURSE AT [LOCATION]

I refer to my letter dated [date] concerning the above watercourse. It appears that from our records we have not received a response from you.

I now enclose formal Notice under Section 25 of the Land Drainage Act 1991.

You are hereby given **28 days** notice from [date] for remedial action to be taken to the above watercourse. You have a right of appeal as set out in the Notice and for your convenience enclosed is a copy of Section 27 of the Land Drainage Act 1991.

I would in particular draw your attention to the notes at the bottom of the attached Notice.

I strongly recommend that you seek independent legal advice on the content of this letter.

Yours sincerely

[Officer Name]

[Job Title]

Telephone number:

Email:

Appendix B cont. Letter template B3 - Notice Template

DELETE ONCE COMPLETED: MUST BE SIGNED OFF BY SENIOR HEAD OF DEPARTMENT

Cambridgeshire County Council

THIS NOTICE AFFECTS YOUR PROPERTY
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NOTICE REQUIRING WORKS TO MAINTAIN THE FLOW OF AN ORDINARY WATERCOURSE FURTHER TO S25 LAND DRAINAGE ACT 1991

To: **XXXXXXXXXXXXXX** ("the Property")

Pursuant to the provisions of section 25 of the Land Drainage Act 1991 ("the Act") IT APPEARS to Cambridgeshire County Council, of New Shire Hall, Emery Crescent, Enterprise Campus, Alconbury Weald, PE28 4YE, ("the Council") that an ordinary watercourse is in such condition that the proper flow of water is impeded at [e.g. the rear of the Property].

The Council considers that the ordinary watercourse, namely, [e.g. the piped ditch in front of the two properties known as xxxx and xxxx, at address] is in such a condition that the proper flow of water is impeded, namely, by [debris].

You, being a person having control of the watercourse where an impediment occurs and/or being a person who owns or occupies land adjoining that part, are hereby given notice under section 25 of the Act requiring you to remedy the condition of the ordinary watercourse referenced within 28 days of service of this notice.

SCHEDULE 1: WORKS REQUIRED	
Works	By date
1. E.g. Remove the concrete block crossing the ditch at the upstream boundary of your property.	
2. E.g. Remove the blockage in the form a wooden block on the downstream boundary is removed.	
3. E.g. Ensure that the upstream and downstream points of entry of the watercourse across your land are kept free of any blockage or obstruction to the natural conveyance of flow, in perpetuity.	
4. E.g. Ensure that the section of the watercourse through your land is sufficiently graded and maintained.	

5. Ensure the proper flow of water is not impeded	
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If you fail to comply with this notice:

- a) The Council may carry out the works and recover from you the expenses reasonably incurred by doing so.
- b) You will be guilty of an offence and will be liable on summary conviction to a fine not exceeding level 4 on the standard scale

You may, under section 27 of the Act, within twenty-one days from the date on which this notice is served on you, appeal to a magistrates' court on any of the following grounds:

- a) The notice or requirement is not justified by that section.
- b) There has been some informality, defect or error in, or in connection with, the notice.
- c) The body which served the notice has refused unreasonably to approve the carrying out of alternative works, or the works required by the notice to be carried out are otherwise unreasonable in character or extent, or are unnecessary.
- d) The period within which the works are to be carried out is not reasonably sufficient for the purpose.
- e) The notice might lawfully have been served on another person and that it would have been equitable for it to have been so served.
- f) Some other person ought to contribute towards the expenses of carrying out any works required by the notice.

Name:

Role:

Date:

Signed:

Appendix C - Prosecution

All decisions to prosecute will be made by the Officer and approved by the Flood Risk Manager or Head of Service.

A report document will be prepared for the Council's legal services outlining the following:

- The offence(s) committed.
- Evidence to support the prosecution and prospects of success.
- Effect on public/property/environment.
- Any aggravating or mitigating circumstances.

Legal services will consider the report and will prepare a concurrence taking into full account the evidential and public interest tests and the threshold criteria in accordance with the Code for Crown Prosecutors, and subject to these being met the commencement of prosecution will be approved.

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Appendix D Glossary

Civil Nuisance

Civil nuisance in the context of watercourse regulation is defined as unreasonable interference with the use and enjoyment of land.

Flood and Water Management Act 2010

The *Flood and Water Management Act 2010* is Act of Parliament to make provision about water, including provision about the management of risks in connection with flooding and coastal erosion. [Flood and Water Management Act 2010 \(environment-agency.gov.uk\)](http://environment-agency.gov.uk). In particular the Act makes it compulsory for all parties involved in risk management to co-operate.

[an] Impediment

Impeded/Impediment meaning an obstruction, including a wilful act leading to a blockage or may be due to lack of maintenance or neglect of the watercourse over time.

Land Drainage Act 1991

The *Land Drainage Act 1991* brought together legislation relating to IDBs and local authorities previously in the Land Drainage Act 1976 concerning inland and sea defence matters (*Land Drainage and Flood Defence Responsibilities*, Institute of Civil Engineers, 2016)

Ordinary Watercourse

Ordinary Watercourse is defined as any watercourse that does not form part of a main river as defined in Section 6.3 Flood and Water Management Act (FWMA) 2010. *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 as defined in Section 72 Land Drainage

Rateable Areas

Each internal drainage board (IDB) is a public body that manages water levels in an area, known as an internal drainage district, where there is a special need for drainage. Drainage rates within these districts are levied as a charge on agricultural properties to pay for special local drainage or flood protection works which are

carried out by the internal drainage board of that district. Properties which are not used for agricultural purposes (as defined in the Local Government Finance Act 1988) do not receive a direct drainage rate demand. Rates are however, effectively charged on these properties through the Special Levy issued to the local authority.

Riparian Owner

Riparian Owner refers to those common law powers and duties relating to the use of water associated with the ownership of the bank or bed of a watercourse. The deeds to a property may indicate who the riparian owner is but this is not always the case. The law therefore presumes, in the absence of “contrary evidence” that land adjoining a watercourse includes the watercourse. If there is nothing specific in the property deeds and unless there is something to establish “contrary intention”, the riparian owner is responsible for the watercourse. The owner must pass flows forwards without obstruction, pollution or diversion.

Section 19

Under *Section 19* of the Flood and Water Management Act 2010, the County Council investigates flood incidents that meet the threshold set out in our [Cambridgeshire Flood Risk Management Strategy](#)

Un-consented Works

Un-consented works refers to any works carried out without Consent under Section 23 of the Land Drainage Act 1991, circumstances for un-consented works could include,

- a Consent application was refused but works were still carried out,
- a Consent application was approved but the works undertaken were not in accordance with the conditions of the Consent,
- no application for Ordinary Watercourse Land Drainage Consent was made.

It is not possible to provide retrospective Consent for un-consented works.

[Cambridgeshire's Culvert Policy](#)