

NAME OF COMMITTEE	Full Council
DATE OF MEETING	7th March 2019
TITLE	Implement Land Drainage Byelaws
AUTHOR	Rhydian Roberts
CABINET MEMBER	Councillor Gareth Griffith
PURPOSE	Members of the Council are requested to consider approving byelaws for adoption.

1.0 Background and purpose.

- 1.1 Under the Flood and Water Management Act 2010, councils in Wales received additional powers and responsibilities to manage flooding from surface water, groundwater and ordinary watercourses. As part of these new powers, responsibility for granting ordinary watercourse consent under section 23 of the Land Drainage Act 1991 were transferred from Natural Resources Wales to the Lead Local Flood Authorities in April 2012.
- 1.2 Since taking on this consenting duty and wider flood risk management function, practitioners have noted that powers under current legislation are limited and certain activities which are not currently consented could potentially increase the risk of flooding especially in more built up areas. It was therefore decided in 2013 to set-up a Task & Finish Group to oversee a review of current byelaws with the aim of creating a new set to help LLFAs in Wales manage more effectively and consistently activities along ordinary watercourse.
- 1.3 The new byelaws are attached and consist of 16 individual byelaws designed to support and work alongside the current regulation framework provided under the Land Drainage Act 1991 and the Flood and Water Management Act 2010.
- 1.4 The complete set comprises of 7 sections but byelaws themselves are only grouped under 4 distinct chapters:
- Control the introduction of water and increase in flow or volume, or water
 - Control any potential to cause impediment or obstruction to flow
 - To ensure the condition of the banks of a watercourse are maintained
 - To cover incidental provisions
- 1.5 These byelaws have been designed by experienced flood risk management practitioners following extensive consultation with various local authority's departments and Natural Resources Wales. Welsh Government encourages local authorities to adopt the model byelaws as they are without any modifications to ensure consistency across Wales.

2.0 The adoption procedure

- 2.1 Section 66 of the Land Drainage Act 1991, permits Local Authorities to adopt local byelaws to manage activities concerning land drainage and flooding.
- 2.2 As part of the process there was a four week public consultation, from 14th November until 13th December 2018, when a draft of the byelaws was displayed to the public on the Council's website. In addition a notice of intention to make the byelaws was published in the Caernarfon and Denbigh Herald on 14th November 2018, referring to where draft copies could be perused and how to offer observations on the contents of the byelaws. The consultation exercised carried out was in accordance with the advice offered by the Welsh Local Government Associationⁱ.
- 2.3 No observations were received from the public during the consultation period, or at any other time.
- 2.4 The adoption of the byelaws was discussed by the Communities Scrutiny Committee on 7th February 2019.
- 2.5 Should the Full Council to agree on their formal adoption the Council will then need to confirm with the Cabinet Secretary for the Environment and Rural Affairs of the Welsh Government that Gwynedd has adopted the byelaws.

3.0 The benefit to the residents of Gwynedd

- 3.1 The primary function of the new Land Drainage byelaws is to help LLFAs manage the risk of flooding where it is the highest through better control. However, through careful revised wording and a wide range of activities covered these byelaws can also benefit the wider environment. By doing so, they will benefit other functions within local government and help with the delivery of other legislations including the Water Framework Directive and Habitat Directive.
- 3.2 Ultimately, this holistic approach to flood risk management through the use of Land Drainage byelaws will be in line with the principles of the Well-Being of Future Generations Act and help LLFAs deliver its goals, and the adoption of the byelaws will also comply with the Council's Strategic Equality Plan.

4.0 Implications on Council Staffing.

- 4.1 The adoption of the byelaws will not have an impact on the current staffing level. The Water and Environment Unit will implement the byelaws in the future if the Council should agree to their adoption.

5.0 Recommendation

- 5.1 To approve the draft Land Drainage Byelaws (in the format as recommended by the Welsh Government) and that the said byelaws be formally made in the name of the Council.

ⁱ Land Drainage Byelaws Advice Note for Local Authorities (WLGA)