

POLICY: Structures on Board's Land & Banks Policy
BOARD APPROVED: 11th December 2014
REVIEWED BY: E.M. Johnson
POSITION: Chief Engineer
DATE REVIEWED: 1st April 2021
REVIEW DATE: 1st April 2024



1. Introduction

This policy applies to fishing platforms, moorings or other similar structures such as wharf, jetty, pier, or loading stage as defined in Byelaw 17(d) and includes the associated means of access (i.e. steps, handrails, or similar structure).

2. Policy Clauses

The following section details the policy clauses and explanatory notes for each clause:

Clause No.1

New structures will not be permitted on watercourses owned by the Board where there is public access. Where there is no public access the Board will consider permitting structures subject to Clause 6 and payment of a Bond. This bond is a sum amount relative the complexity of the structures construction, this bond will cover the cost of the structures removal should the applicant sell or leave the property without its removal and the Board is left with this burden. **Note:** *As landowner the Board reserves the right to refuse any applications to build new structures on its own property. The bond will be reimbursed once the structure has been removed.*

Clause No.2

Existing structures on the Board's property may be permitted subject to the user/owner entering into an agreement with the Board. The structure must be in accordance with Clause 6 below. In addition, the owner/user must agree to sign an agreement that indemnifies the Board against any claim for loss or damage. **Note:** *Where there is no public access, existing structures that may already be consented or pre-date the Byelaws to remain subject to agreement.*

Clause No.3

Where any such structure is found on Board's property without the Board's agreement or consent (Land Drainage Act or Board's Byelaw) it will be removed if an official notice or instruction to remove the structure is not complied with. **Note:** *To reduce flood risk, facilitate maintenance and/or future improvements and reduce liability.*

Clause No.4

No new structures on other watercourses under the Board's control will be permitted without the Board's consent as required by the Land Drainage Act and/or Board's Byelaws. **Note:** *Existing legal requirement for all new structures.*

Clause No.5

On other watercourses under the Board's control any existing structure deemed by the Board to be in a poor state of repair will be removed if an official notice or instruction to remove it, or to repair and manage/maintain the structure to the satisfaction of the Board, is not complied with. **Note:** *To reduce*

flood risk, facilitate maintenance and/or future improvements and reduce liability (particularly if there is a risk to the public)

Clause No.6

Consent in respect to Clause 4 and permission in respect to Clause 1 above will be subject to the applicant providing in the Board's opinion, acceptable evidence that the structure:

- does not impede or restrict flow
- does not restrict access for future maintenance and improvement of the watercourse
- is safe and suitable for the intended use
- will be managed and maintained in such a way as not to fall into disrepair
- will be removed when no longer required by the applicant/owner

Note: *To ensure any permitted structures are adequate i.e. do not increase flood risk, restrict maintenance or improvement, or create future liability.*

Additional Notes

For watercourses not owned by the Board the applicant will require the consent of the landowner.