

Record of operational decision

Decision title:	Decision to serve Notice on the landowners under section 25 of the Land Drainage Act 1991
Date of decision:	4 July 2025
Decision maker:	Steve Hodges, Directorate Services Team Leader, Economy and Environment
Authority for delegated decision:	Directorate scheme of delegation: Paragraph 77, updated 18/07/2024 Directorate: Economy and Environment, section 77. This is an exercise of the delivery of a duty under the Flood and Water Management Act 2010.
Ward:	Weobley
Consultation:	Legal Services
Decision made:	To issue a Notice under section 25 of the Land Drainage Act 1991 requiring works to be carried out to restore the unobstructed free flow of water through the watercourse.
Reasons for decision:	<p>An inspection undertaken in January 2025, identified that a tree had fallen into the ordinary watercourse, partially blocking the channel and increasing the risk of fluvial flooding.</p> <p>As such, the landowners have been contacted about this issue by letters dated 22 January 2025, 11 March 2025, and 27 March 2025. This correspondence informed them of their obligations as riparian owner and requested the removal of the tree from the watercourse.</p> <p>Final letters were issued to the landowners on 6 June 2025. While an email response was received on 13 June 2025 indicating that the matter was in hand, no action has been taken, nor has a satisfactory response been provided.</p> <p>Given the continued inaction, the Council intends to use its statutory powers under section 25 of the Land Drainage Act 1991 to issue a legal notice requiring works to be carried out to restore the unobstructed free flow of water through the watercourse. Should the landowners fail to comply with such a notice, the Council may undertake the works in default and recover the costs from them. Additionally, non-compliance could result in prosecution.</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>The decision to serve Notice does not discriminate, harass or victimise nor encourage conduct prohibited under the Equality Act 2010. It also does not unfairly impact upon anyone with a relevant protected characteristic nor hinder relations between persons sharing such a characteristic.</p> <p>There could be cost implications in the event of non-compliance as the Council may need to undertake the works and recover the costs. Recovering costs may require further legal proceedings and incur additional costs.</p>
Details of any alternative options	None – the obstruction is adding to the risk of flooding in an area that has been subjected to repeated flooding. A decision not to commence legal proceedings will imply that noncompliance with land drainage

considered and rejected:	responsibilities is acceptable.
Details of any declarations of interest made:	

Signed..... Date: