

# Environment

## Drains, Sewers and Riparian Land Drainage A Guide to Your Responsibilities



Neath Port Talbot  
Castell-nedd Port Talbot  
County Borough Council / Cyngor Bwrdeistref Sirol

Making a difference / Gwahaniaeth er gwell

# Drainage – Your Responsibilities

## County Borough Map



# Drainage – Your Responsibilities

## Drainage – Your Responsibilities

### **What do I do if a road gully blocks?**

Contact Neath Port Talbot Borough Council's **Service First Team** by telephone on **01639 686868 (24 hours)**.

### **Land Drainage – Riparian Ownership**

Land Drainage is a complex area of responsibility. As a rule of thumb, however, the general approach is that the landowner is responsible for the land drainage of their land.

This can create problems since legally a person owning lower-level ground has to accept natural land drainage water (that is, spring water, ground water or surface water run-off) from adjacent land at a higher level. The exception to this is where the owner of that adjacent land has carried out “improvements” such that the run-off from the land cannot be considered ‘natural’ – for example if the entire back garden has been paved over. Such natural run-off does **not** include water from gutter drainpipes.

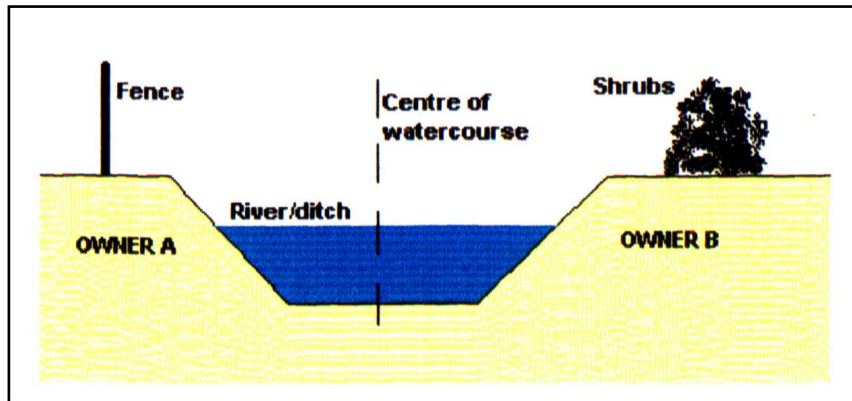
An ordinary watercourse is every stream, ditch, (whether dry or not), cut, dyke, sluice, pipe (other than public sewers) and passage through which water flows and does not form part of a main river. A landowner adjoining the watercourse is responsible for its maintenance and the flow within it.

Certain watercourses, mainly those in urban areas and adjacent to property, are designated “**Critical Ordinary Watercourses**”. Whilst these watercourses are still the responsibility of the landowner to maintain, the Council and the Environment Agency take an active role in regularly inspecting their condition and advising owners on what work is necessary.

The Council being the Lead Local Authority (LLA) will lead on ordinary watercourse consenting and enforcement. The Land Drainage Act 1991 will underpin ordinary watercourse regulations undertaken by Local Authorities. Changes to ordinary watercourse management has been made by the Flood and Water Management Act 2010, in particular Paragraph 32 of Schedule 2 which amends Section 23 of the Land Drainage Act 1991.

# Drainage – Your Responsibilities

You are a riparian landowner if you own a property adjacent to a river or any other watercourse unless the river or watercourse is wholly within your neighbour's property then it is wholly their responsibility.



As a riparian landowner you have certain rights and responsibilities in relation to the watercourse flowing through or adjacent to your property. These “riparian rights” are based on common law and have been defined as a result of legal cases over many years. These rights are not absolute and you may in any event have to obtain consent for any works to a watercourse from the Environment Agency or the Council. Works you propose may also require planning permission so you should always check with your local planning office before undertaking any work.

Land Drainage problems reported to the Council through Service First (01639 686868) will always be investigated and the appropriate advice given to the landowner.

## Your Rights

- You may own land up to the centre of the watercourse.
- You have the right to receive the flow of water in its natural state, without undue interference in quantity or quality.
- You have the right to protect your property from flooding, and your land from erosion.
- You have the right to fish in your watercourse, although this must be by legal methods and with an Environment Agency Rod Licence.



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- Currently you can abstract a maximum of 20 cubic metres per day of water for the domestic purposes of your own household or for agricultural use, excluding spray irrigation, from a watercourse at a point which directly adjoins your land without the need for a licence. Most other types of abstraction will require a licence from the Environment Agency.

These rights are modified by your duty to other riparian owners, the rest of the community and the environment.

Before starting any work on or adjacent to a watercourse, you must submit the plans of any work to the Council to determine whether you require a land drainage consent and/or planning permission. Environmental issues, including flood risk, wildlife conservation, fisheries, reshaping of the river and landscape, must all be considered. It is always wiser to speak to the Council first as from April 2012 they are the consenting authority for any work in a watercourse.

### **Your Responsibilities**

- You have the responsibility to pass on flow without obstruction, pollution or diversion affecting the rights of others.
- You have the responsibility to accept natural flood flows through your land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse.
- You have a responsibility for maintaining the bed and banks of the watercourse (including trees and shrubs growing on the banks) and for clearing any debris, natural or otherwise, including litter and animal carcasses, even if it did not originate from your land. Advice on the removal of animal carcasses can be obtained from the Council's Environmental Health Department. There is however no duty to protect the banks of a watercourse from natural erosion. Where trees are concerned the Council should be contacted regarding any Tree Preservation Orders (TPO) which may exist.
- You must not cause any obstructions to the free passage of fish.
- You are responsible for keeping the bed and banks clear from any matter that could cause an obstruction either on your land, or by being washed away by high flow to obstruct a structure downstream.

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Watercourses and their banks should not be used for the disposal of any form of garden waste.

- You have the responsibility for protecting your property from seepage through natural or man-made banks.
- Under the Flood and Water Management Act 2010 you will need consent from the Council if you want to construct a culvert or flood relief control structure on any ordinary watercourse. Generally the Council opposes culverting – you should however always contact the Council directly to discuss your proposals – they can be contacted on 01639 686868.
- You are responsible for keeping clear any structure that you own such as culverts, trash screens, weirs etc.

## **Rainfall**

### **What is Extraordinary Rainfall?**

Extraordinary rainfall occurs when a storm drops water at a greater rate than is allowed for in design standards for drainage systems.

In the older parts of the Borough the sewerage and drainage systems will be designed to cater for an average rainfall rate of between 25mm (one inch) and 50mm (2 inches) per hour.

In more modern areas more sophisticated calculations would take account of higher rainfall rates in small areas and lesser rates over larger areas depending on the length of time it takes water to flow from the furthest point in the catchment area to the length of pipe being designed. These rainfall rates are expressed in terms of the probability that they will occur in any one year.

In a small area such as a small housing estate the drainage system will be designed to cope with a storm that may occur in any year with a probability of 1:1 or 100%.

Larger areas will have systems capable of taking the flow from a storm that will have a 1:5 (20%) chance of occurring in any one year (also expressed as a probability of one occurrence in five years).

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More significant drainage channels and rivers are designed to deal with a design storm which is likely to occur only once in 100 years (1%) or less.

### **What happens during an extraordinary storm**

The most frequent type of extraordinary storm is a short burst of extremely violent rain. This will often overwhelm the drainage systems and may give the appearance the road gullies are not functioning correctly because the water will not drain away. In extreme storms it is likely that several inches of water may gather in car parks and on carriageways. Water that normally soaks into the ground on gardens and lawns will also gather to a depth of some inches. As water table levels become higher it will take longer for water of this nature to drain away and gardens will take on a waterlogged appearance.

Water will drain away eventually once the rainfall rate eases off. There may be little point in the Council trying to erect flood warning boards, close roads (unless the circumstances are really exceptional) or divert water as these phenomena are normally short lived and the water will recede before the Council can mobilise effectively.

In the event of a major flooding incident the Council has emergency powers and an Action Plan to respond to this type of event.

### **What you should do in the event of a flash flood**

In most instances there is no need to take action. The Damp Proof Course (DPC) of most houses is 150mm (six inches) above ground level and normally there is a route that rainwater may take away from houses before it gets sufficiently deep to threaten the property.

If you do decide to try to divert water away from your house or prevent water coming onto your land you must respect your neighbour's rights.

There is a right to natural drainage. This means that water flowing naturally across the surface of the land is permitted to flow downhill naturally onto your neighbour's land. You must not channel the flow of water in such a way as to cause damage to your neighbour's land. So water falling as rain on your lawn is permitted to flow downhill onto your neighbour's land but roof water coming from a down pipe is not.

Similarly your neighbour on the uphill side has a right to let the water flowing naturally across his land to flow onto your land. You must not

## Drainage – Your Responsibilities

take any action to prevent such flows. Although you may take reasonable action to prevent your land being flooded. One of the problems with modern urban areas is that construction of obstructions to natural flows such as walls and raised patios can cause neighbouring properties to flood.

### **River Flooding**

Main rivers are usually larger streams and rivers and a main river is defined as a watercourse shown on the main river map. Main rivers are the responsibility of the Environment Agency and they keep the maps of rivers.

River flooding normally occurs as the result of a storm or series of storms over the whole of a river catchment. These storms are usually of a longer duration and are less intense than the storms that cause flash flooding. The **Environment Agency** is able to issue several hours warning of the likelihood of river flooding, using their automatic flood warning system if you are registered to receive it, and by Radio and TV messages. You can call their **Flood-line** on **0845 988 1188** to find out the latest information on river and coastal flooding.

The vast majority of rivers, streams and ditches are the responsibility of the ‘riparian’ landowners who own land on either bank. If your property boundary is a ditch, river or stream you should be maintaining it regularly. This will have a beneficial effect of reducing the risk of flooding from the watercourse during times of wet weather, both for you and your neighbours.

### **Foul Sewers**

In an ideal world, sewers would not be affected by heavy rain. The Borough is served in many areas by separate drainage systems for both foul water and surface water. A separate foul drainage system is not designed to be capable of taking surface water flows. They are only designed to cater for the relatively small amounts of ‘dirty’ water coming from toilets, baths, sinks and wash-hand basins of the properties connected to the sewer. If you divert water from your garden into the foul drain this could cause flooding to occur at some point downstream and possibly cause problems of incapacity at the treatment works which are not designed to cope with large rainwater flows.



## Drainage – Your Responsibilities



Maerdy Grids  
Regularly maintained by the Council



Prosser Terrace, Abercregan,  
Land Drainage/Highway Drainage  
Scheme  
Gabion works at surface water  
outfall

# Drainage – Your Responsibilities

## Summary of Responsibilities

### The Sewerage System – Responsibility of Dwr Cymru/Welsh Water

In this Council's area all public foul water sewers are maintained by Dwr Cymru Welsh Water.

The call centre for this maintenance operation is located in a central location in Cardiff.

**The call centre 24 hr/365 day Telephone No. is 0800 085 3968**

Where surface water drains appear on the maps of adopted public sewers, they are also the responsibility of the sewerage undertaker, Dwr Cymru Welsh Water.

*It is always better to ask DCWW to clarify or confirm the status of the sewer in question in order to resolve any questions concerning liability.*

In October 2011 certain private drains became public. For further information please contact **0800 052 0130**

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**Highway Drains:-** Road gullies and pipes on public highways are the responsibility of Neath Port Talbot County Borough Council.

Where the drains are part of the trunk road or motorway network they are the responsibility of Neath Port Talbot County Borough Council acting as Agents for the Welsh Assembly Government who own the drains.

## **Main Rivers and Major Watercourses**

These are the responsibility of the Environment Agency.

## **Land Drainage**

Private Landowners – The responsibility for maintenance rests with the landowner. The County Borough Council has supervisory powers to ensure ditches are maintained, but if they need to take action in respect of a ditch on private land they may seek to reclaim the cost from the landowner.

*Local Strategy is being prepared and is likely to be made public in 2013.*

This booklet is also available to download in Adobe pdf format on the Council's web site by highlighting 'Environment' on the main web page and following the links to 'Flood and Coastal Defences'.

## Drainage – Your Responsibilities

### Some Useful Telephone Numbers

<b>Service</b>	<b>Provider</b>	<b>Telephone Number</b>
<b>Public Sewerage Maintenance</b>	<b>DCWW</b>	<b>0800 0853968 (24 Hr/365 day)</b>
<b>Highway Drainage and Land Drainage</b>	<b>Neath Port Talbot County Borough Council</b>	<b>01639 686868 (24 Hour)</b>
<b>Environmental Health</b>	<b>Neath Port Talbot County Borough Council</b>	<b>01639 764325 (Working Hours) 01639 764777</b>
<b>Dwr Cymru Welsh Water Sewage Pumping Station Maintenance</b>	<b>DCWW</b>	<b>0800 0853968 (24 Hr/365 day)</b>

#### **Disclaimer**

This Booklet is a general guide only. If you have a legal problem covering any of the matters referred to in it you should take your own legal advice.

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