
BACKGROUND PAPER – SURFACE WATER AND FOUL WATER RESPONSIBILITIES

1 SUMMARY

- 1.1 This paper provides Members with some background information relating to responsibilities for surface water / foul water drainage.

2 RESPONSIBILITY FOR SURFACE WATER DRAINAGE

- 2.1 The responsibility for surface water drainage is a complex area and involves a number of parties, each with specific responsibilities.
- 2.2 The following is an extract from a legal article in Local Government News January 2003 following the recent floods.

“When flooding occurs property owners often search for someone to blame. In many cases the scapegoat is the Local Authority. However, the situation is not as clear-cut as that. Often the Local Authority has no legal duty to ensure that flooding is prevented. Under the Land Drainage Act of 1991, Local Authorities have the powers to arrange suitable drainage. Yet they are not under any duty to do so. The key agency responsible for flood prevention is the Department for Environment, Food and Rural Affairs (DEFRA). Their job is to ensure that the authorities deliver a satisfactory service in line with requirements set out in legislation. Those authorities within England and Wales are the Environment Agency, (which provides blanket cover) some Drainage Boards and some Local Authorities. The latter tend to concentrate on flooding only in areas that demand attention, because of long standing problems, for example low lying areas. The Environment Agency, like the Local Authorities, has a duty to supervise all aspects of flood defence, such as installing and operating flood warning systems and constructing and maintaining sea defences. It is also responsible for main river waterways.”

3 RESPONSIBILITY FOR FOUL WATER DRAINAGE

- 3.1 Management of the foul drainage network is primarily the responsibility of Anglian Water. They are responsible for the main sewers that serve the district.
- 3.2 There are other classes of foul drain that are the responsibility of the property owners that these drains serve. These local drains may serve one or a number of properties and are generally maintainable at the expense of the property owners, served by the drain. The

responsibility for maintenance of these local drains includes everything up to the connection with the public sewer.

4 MAINTENANCE OF SURFACE WATER AND FOUL WATER DRAINAGE

SURFACE WATER

- 4.1 This is a complex area, as there are a number of parties responsible for the maintenance of ditches within the district. The Environment Agency, Rochford District Council, Landowners and Riparian Owners all have a responsibility for parts of the network.
- 4.2 The Environment Agency is responsible for main river waterways. The District Council has responsibility for some lengths of ditches, primarily those on its own land. Landowners have responsibility for ditches on their own land. Riparian Owners often have a split responsibility when they border one side of a ditch.
- 4.3 This level of different responsibility does lead people to assume the Local Authority is responsible for maintenance and this may result in concern and confusion when people are told they are responsible for a section of ditch.

FOUL WATER DRAINAGE

- 4.4 Management of the foul drainage network is primarily the responsibility of Anglian Water. They are responsible for the main sewers that serve the district.
- 4.5 There are other classes of foul drain that are the responsibility of the property owners that these drains serve. These local drains may serve one or a number of properties and are generally maintainable at the expense of the property owners, served by the drain. The responsibility for maintenance of these local drains includes everything up to the connection with the public sewer.

Roger Crofts

Corporate Director (Finance & External Services)

Background Papers: None

For further information please contact David Timson on: -

Tel:- 01702 318110

E-Mail:- david.timson@rochford.gov.uk