

LAND DRAINAGE

The Land Drainage system deals with a large proportion of the water arising inland from rainfall and surface water run-off, as well as groundwater. The land drainage system incorporates rivers, watercourse, ditches, culvert, pipes, lakes & ponds.

LEGISLATION

The Land Drainage Act 1991 requires that a watercourse be maintained by its owner in such a condition that the free flow of water is not impeded.

WHO IS RESPONSIBLE?

The Council do not own any land drainage ditches, unless they are adjacent or abut Council Land.

If you own land located immediately adjacent to or abutting a drainage ditch, river or any other inland body of water then in legal terms you are a Riparian Owner and have certain common law rights & responsibilities.

Even if the Title Deeds for your property show the boundary to stop at your fence, you still have riparian rights and responsibilities to the centre of the watercourse if the ditch is located between two properties. However if the ditch joins a highway then you are responsible for maintaining the whole ditch.

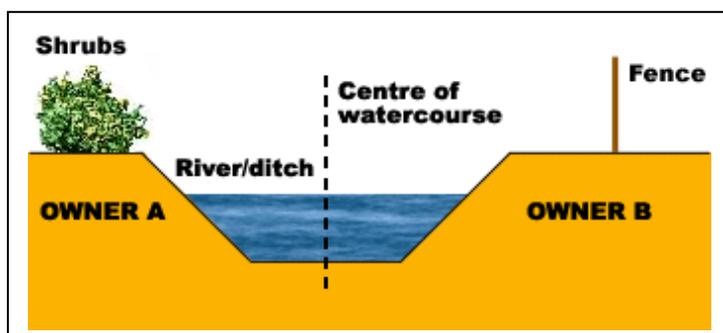


Figure 1: a ditch located between two riparian owners

SCENARIO's

Joint Ownership (Owner A & Owner B)

Figure 1 shows an example of a ditch with two riparian owners (A&B) who each have to maintain their side if the ditch up to the centre of the water course. As the ditch is located behind Owners Bs' fence line they may not realise that they are still a Riparian Owner under the Land Drainage Act 1991, and need to maintain the ditch.

A ditch running alongside a Public Highway (One Owner)



Figure 2 shows a ditch running between the Public highway and a field. The riparian owner of this ditch is the owner of the field. They are required to maintain the whole ditch and ensure they meet their riparian responsibilities (see below).

Figure 2: A ditch running alongside the public highway responsibility of the private land owner

A ditch running along side a public highway with a blocked Culvert (One Owner)



Figure 3 shows a ditch running between the Public highway, a property and under an access way (drive way). The riparian owner of this ditch and culvert (this is an area of ditch which has been piped) is the owner of the property next to the ditch. They are required to maintain the whole ditch, including the culvert under the driveway and to ensure they meet their riparian responsibilities (see below). If the driveway gives access to more than one property the riparian owner may wish to approach them to assist with the maintenance of the culvert.

As you can see by figure 3 the culvert is blocked and the water in the ditch is not able to flow. This may lead to flooding in the immediate area and further upstream.

Figure 3: A ditch with a blocked culvert running alongside a public highway is the responsibility of the private land owner.

DITCH MAINTENANCE

A well maintained ditch



Figure 4 shows an example of a well maintained ditch.

This is a free flowing ditch and clear of any obstruction. It is also deep enough to accept water from upstream during times of increase rainfall.

Figure 4: Well maintained ditch

A flooded ditch



Figure 5: Flooded ditch

Figure 5 shows an example of how flooding occurs if a Riparian owner fails to maintain their section of a ditch/culvert. It can have devastating consequences up

stream by causing flooding to homes, transport infrastructure and increase the risk of injury.

An unmaintained ditch



If a ditch is left to over grow, it can become blocked and the water can stagnate. This may encourage unwanted insects to breed such as mosquito.

Figure 6: An unmaintained and over grown ditch.

RIPARIAN RIGHTS & RESPONSIBILITIES

- 1) You have the responsibility to pass on flow without obstruction, pollution or diversions affecting the rights of others.
- 2) You must accept flood flows through your land, even if these are caused by inadequate capacity downstream.
- 3) You must maintain the bed & banks of the water course, and also the trees & shrubs growing on the bank. You must clear any debris even if it did not originate from your land/person.
- 4) You must keep the bed & banks clear of any matter that could cause an obstruction, either on your land or downstream if it is washed away.
- 5) You must keep any structures that you own clear of debris. These structures include culverts, trash screens, weirs and mill gates.
- 6) You are responsible for protecting your property from water that seeps through natural or man-made banks.

ALTERATIONS

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

You can find the “Bracknell Forest Council Application Form Ordinary Watercourse Consent”, on our website.

<http://www.bracknell-forest.gov.uk/application-for-consent-for-works-ordinary-watercourses.pdf>

RELEVANT LEGISLATION

Land Drainage Act 1991 Section 28 & Section 25

The Local Authority can serve a Notice to improve land drainage.

Public Health Act 1936 Section 262 & Section 264

The Council may require the culverting of a watercourse or require the repair & cleaning of a culvert & its accessories if it is a nuisance to Public Health.

Highway Act 1980 Section 299

The Highways Authority are can discharge into a water course with no maintenance responsibility.

HIGHWAY DRAINAGE

Highways Act 1980

The Highways Authority have the responsibility to maintain the highway drainage system; which is only designed for draining the highway network.

As part of their duty they are responsible for carrying out routine & reactive works to these systems to ensure they are working to maximum capacity. They do not have the responsibility for private ditches located next to the Highway.

USEFUL CONTACTS

Environmental Protection Team

Bracknell Forest Borough Council
Time Square
Market Street
Bracknell
Berkshire
RG12 1JD

Customer Services Centre

Tel: 01344 352000
Web: www.bracknell-forest.gov.uk
Email: environmental.health@bracknell-forest.gov.uk

Environment Agency

Tel: 03708 506 506 (General enquires)
Web: www.environment-agency.gov.uk
Email: enquiries@environment-agency.gov.uk

Citizens Advice Bureau

Tel: 0845 1202969
Web www.citizensadvice.org.uk

If you would prefer to receive this factsheet in braille or another language, please contact the Environmental Protection Team through the Customer Service Centre.