FREQUENTLY ASKED QUESTIONS

Flood Risk & Surface Water Management

Why is it important to consider flooding issues for new developments?

It is important that flooding issues are considered fully when sites for new properties are developed so that drainage systems are designed to minimise the effect of any additional surface water.

Are flood risks assessed as part of the planning process?

It may be necessary for a flood risk sequential test and/or a flood risk assessment to be produced as part of the planning process. For major developments and developments in surface water priority areas a sustainable drainage strategy (surface water) statement or report will be required.

How are flooding and drainage issues considered for new developments?

When planning applications are considered, preference will be given to those developments which are to be built on land with a lower flood risk and have sustainable drainage systems.

What is a Flood Risk Assessment?

A Flood Risk Assessment (FRA) is a report that outlines the main flood risks to a development site and presents recommendations for mitigating measures to reduce the impact of flooding to the site and surrounding area.

What is the purpose of Flood Risk Assessment?

A significant proportion of the UK is at risk of tidal, river or groundwater flooding. However, this does not mean that developments or redevelopments in these areas will not be approved. Flood Risk Assessment, as part of the planning process, ensures that developers are aware of the recommendations of the Environment Agency (EA) and suggests adequate mitigation measures to ensure that a development is sustainable and safe in terms of flood risk.

Do I need a Flood Risk Assessment?

You will need a Flood Risk Assessment as part of your planning application if your site is over one hectare in size or if it is situated in a Flood Zone. The Environment Agency has a very useful flood zone finder (EA Flood Map) in which you just need to enter the postcode of the development site to find out in which Flood Zone it is located.

Why have I been asked for a Drainage Design/Strategy?

One of the key requirements of the Flood Risk Assessment process is to demonstrate that proposals will not increase flooding elsewhere. As such, surface water must be appropriately managed. A drainage strategy may be requested by the Local Planning Authority for any site (including sites outside of the river/coastal floodplain) to demonstrate how runoff from the new development will be considered

How should surface water runoff be managed on small scale developments such as extensions?

Surface water runoff from impermeable surfaces such as roofs, driveways and patios must be contained within a development.

What is drainage?

There are two systems of drainage that you need to think about: 'foul 'and 'surface water'. In general, these two systems should be kept separate.

Each of these has above-ground and underground elements.

Foul drainage carries the used water from toilets, sinks, basins, baths, showers, bidets, dishwashers and washing machines. The above-ground pipework is referred to as sanitary pipework; the underground pipework is referred to as foul drains and foul sewers.

Surface water drainage carries rainwater (and melted snow and ice) from hard surfaces. The above-ground system of gutters and rainwater pipes is referred to as roof drainage; the underground pipework is referred to as surface water drains and surface water sewers.

What is the difference between a drain and a sewer?

In general, a drain serves a single property whereas a sewer serves more than one property.

Private sewers are owned by the properties they serve. Public sewers are owned by the sewerage undertaker (whose address can be found on your sewerage bill). Building work on and around a sewer needs permission of the sewer owner.

Why do I need to think about underground drainage?

You may have to change your plans to suit the depth and location of the underground drain or sewer that you intend to connect to.

If you intend to build over or close to a public sewer, you will require written agreement from your sewerage undertaker, so you should consult the company at the earliest planning stage of your building work.

Building over an existing drain or sewer can damage pipes, so that they leak or block, potentially leading to odour nuisance, health problems and environmental damage. It also makes it more difficult, time consuming and expensive to clear blockages and repair or replace faulty drains. So if there is an existing drain below, or close to, your proposed extension, it may need to be moved or protected, which is likely to increase the cost of your project.

The route of the drain should avoid obstructions (e.g. ponds or outbuildings) and keep away from foundations, so may need to be longer and have additional access chambers, rather than running in a straight line. Approved Document H of the Building Regulations (Drainage and Waste Disposal) gives guidance on additional measures needed where drains have to run close to foundations.

How can I find out the location of underground drains and sewers?

Maps of public sewers can be inspected free of charge at the offices of the sewerage undertaker or local authority. Private sewers and drains are not normally mapped and their location needs to be found in other ways, as described below.

Drain covers give an indication of drains below. By lifting the cover, it may be possible to see the direction, size and depth of pipes but do not enter the chamber (which can be filled with toxic gas) and ensure that the cover is replaced securely.

Locations of rainwater pipes, sanitary pipework stacks and external gullies can indicate where their underground drains are likely to run.

There are many firms which can carry out CCTV surveys that will indicate the condition of the drains as well as their location and depth.

You are strongly advised to seek advice from a builder, architect, drainage engineer or Local Authority Building Control before committing to or commencing work.

How do I know which sewer I should connect to?

There are 3 types of sewers they are foul water, surface water and combined sewers. The sewerage network plans will provide you and your contractor with a guide. You may need to carry out a drainage survey to check what is available to you. You will need to discuss this with your contractor and determine where to connect and the type of connection you need.

The Sewage Undertaker will make an assessment of your proposal when they receive your application and will either approve or suggest an alternative connection.

Land Owners Responsibility – Drainage Systems:

Someone has previously cleared the ditch near to/adjacent to my property. Why is this not happening anymore?

In the past, there have been examples where the Council have cleared ditches that were not their responsibility to maintain. This was often carried out as a good will gesture when there was funding and staff available to allow this. Reactive maintenance can be arranged if a problem arises. Generally, maintenance of ditches falls to the owner. If the ditch is adjacent to your land or property you will be the riparian owner; this means it is your responsibility to maintain the watercourse so that the flow of water can pass without obstruction.

The owner of land adjoining a highway has common law duty to scour and cleanse the ditches that adjoin the highway to prevent them from causing a nuisance to road users.

Whose responsibility is it to ensure that rainfall runoff from roads does not run onto householders' properties?

The Highway Authority is responsible for ensuring water from roads does not cause flooding of properties. However, it should be noted that highway drainage is designed to accommodate only the water that falls within the confines of the highway. Landowners have a responsibility to ensure water from their land does not cause a nuisance on the highway. Often cases where flooding of property is blamed on the Highway Authority it is as a result of additional water from private land entering the highway and overwhelming the drainage.

Who owns the watercourse?

The owner of land or property adjacent to a watercourse is known in legal terms as the "riparian owner" of the watercourse. Often the watercourse will form the boundary between two properties and the deeds may indicate a single owner. If not both adjacent owners have equal responsibilities as riparian owners.

What storm water/ surface water drainage pipes am I responsible for?

All drainage infrastructure related to the drainage of private properties up to the Legal Point of Discharge is the responsibility of the property owner. This includes sections of pipe in the green strip or road reserve that discharge storm water/surface water to the kerb or pipe connections (tapping) to a Highway drain.

The property owner is responsible for ensuring that storm water pipes are connected correctly and that their storm water/ surface water runoff does not affect other property owners.

Storm water/ surface water drainage pipes on my property are blocked. What should I do?

All drainage infrastructure related to the drainage of private properties is the responsibility of the property owner. This also includes sections of pipe that discharge water to the kerb and channel or pipe connections to a Highway drain. The property owner is responsible for ensuring that storm water pipes are connected to the nominated Legal Point of Discharge.

Who is responsible for groundwater seepage into my property?

Groundwater and groundwater seepage are considered natural occurrences and the property owner is responsible for making provisions to manage this water.

The pipe under my driveway is blocked. Who's responsible for its maintenance?

Pipes under private driveways are the responsibility of the property owner. The property owner is responsible for ensuring storm water is not obstructed by blockages at these piped sections.

I have discussed my drainage problems with my neighbour and they will not work with me. I have considered placing swales or other improvements on my property, but it is not feasible. Is the Council responsible for ensuring proper drainage on my lot?

The Council is not responsible for ensuring proper drainage on privately owned property. If it is impossible to remedy the problem by working with your neighbour, then civil court action may be taken. This should be a last resort to resolving drainage problems. Only if the neighbour is diverting or impounding water against its natural flow or unnaturally concentrating the flow would the neighbour be liable for damages. If water is flowing as it naturally would, then the neighbour has no liability. Property owners are responsible for maintaining drainage on their own property. You could also consider hiring a civil engineer with expertise in surface water drainage to examine alternative solutions.

My neighbour has done some work on his lot and now I'm getting more runoff. What can I do?

In the past, Council staff has come out to look at situations such as this. Currently, staffing levels and budget do not allow us to make site visits to see all the drainage problems. These situations are civil matters between the property owners. You should try to perform work on your property to help your land drain more efficiently. It is against the law to divert or concentrate runoff, or block runoff from draining onto your property. We advise that you meet with your neighbour and discuss the problem to work toward a mutually agreeable solution.

Can I build anything in an easement?

You should not construct any structures within an easement. Please contact the relevant Authority for further clarification of your specific situation.

The new construction behind my house is causing a lot of dirt and sediment on the roads. Can the Council force the builder to clean the road or to place erosion protection on the development site?

Please contact the Highway Authority and ask to speak with the Highway Inspector for the area. It is helpful if you know the name of the adjacent development. The developer of a subdivision or a commercial site is required to keep the roads clean and maintain pollution control on his land until works are completed.