

Land Drainage

Public Information Leaflet no:
HTP18

Who is responsible for land drainage issues?

What rights do you have!



Common Queries

1) Who is responsible for supervising flood defence ?

The **Environment Agency** (tel no: 0800 807060) have this **legal duty** under the 1995 Environment Act.

2) Which Authority has powers to serve notices to ensure that watercourses are cleared ?

For main rivers these powers rest with the **Environment Agency** but for **ordinary water courses** the power rests with the **County Council**.

3) Who can provide and operate flood defence systems ?

The Environment Agency and County Council have the power to operate flood defence systems on main rivers and ordinary water courses respectively. **However, this is a power and not a duty.**

4) What are the responsibilities of (riparian) landowners ?

Landowners have a responsibility to accept and manage catchment flows across their land. This water must not be diverted or obstructed without the permission of the Environment Agency. Landowners have **no duty** to clear a watercourse silted through natural causes unless a notice is served by the appropriate Authority.

5) What about artificial water courses ?

Any man made water course must be capable of carrying all water that may flow into it even in the event of extraordinarily high levels of rainfall regardless of the capacity of the previous natural water course.

6) What rights do (riparian) landowners have over water courses adjoining their property ?

Anyone owning land abutting a water course is assumed (unless otherwise contested) to own up to the centre of the water course.

7) Who issues flood warnings?

The **Environment Agency. Flood Watch - flooding is possible be alert. Flood Warning - flooding is expected act now. Severe Flood Warning- severe flooding expected likely to lose power, telephones, emergency services will be stretched. See below for contact numbers.**

8) What can the Council do in the event of an emergency ?

The County Council has powers to offer emergency assistance to avert or limit damage from flooding. These powers cover the provision of **sandbags** and **pumping** facilities. The County Council has **no** power to spend public money on repairs to private property resulting from flood or drainage problems.

What you need to know !

1. The first responsibility for protection of property in the event of flooding lies with the owner or occupier of the property. Owners/ occupiers living near water courses should take necessary precautions, such as buying their own door kits etc, in advance of winter or periods of forecast bad weather.

2. Although the County Council will always try to offer assistance at times of emergency it is not under a legal obligation to help and has no power to assist outside responding to emergencies.

3. The Council's ability to assist in emergencies is limited by its resources and other demands on it's workforce. In such circumstances speed is essential and it is appreciated if householders are able to collect sand bags from their nearest Council yard.

For further information please phone the Highways, Transport & Property Services Helpline on **0845 6076060** during office hours (8.30 to 5.00) or for out of hours emergencies either call Powys Carline **01597 825275 / 827151** or the Environment Agency Emergency Line **0800 807060** or visit www.environment-agency.gov.uk.

Highways, Transport &
Property Services

<http://highways.powys.gov.uk>