
Land drainage and watercourses

We are the lead local flood authority and the 'operating authority' for all ordinary watercourses in County Durham.

We have powers to require the maintenance of watercourses to ensure they are operating efficiently and must approve any works to or in our watercourses.

Land drainage

Land drainage is the disposal of rainwater, achieved by a network of various types of watercourse. The laws relating to land drainage are not very well known and many people are unaware of their existence.

Main rivers and ordinary watercourses - the difference

Major watercourses and rivers are designated as main rivers. These are under the control of the Environment Agency who are the relevant operating authority. We can advise you which are the main rivers, but all enquiries relating to the operation of main rivers will be referred to the Environment Agency.

Almost all other watercourses, including streams, ditches (whether dry or not), ponds, culverts, drains, pipes and any other passage through which water may flow, are defined as ordinary watercourses. We are the operating authority for ordinary watercourses. Exceptions to this are:

- Public surface water sewers - these are the responsibility of the sewerage undertaker, Northumbrian Water.
- Highway drains on public highways - these are maintained by us or the Highways Agency.

If you own a riverside property you can find more information about your responsibilities on our managing the county's flood risk page.

Operation of land drainage network

There are a number of pieces of legislation to ensure that the land drainage network operates correctly.

- If a riparian owner fails to carry out his responsibilities or if anyone else causes a watercourse to become blocked or obstructed, we have powers of enforcement by serving a notice under Section 28 of the Land Drainage Act. If this is ignored, we may carry out the necessary work ourselves and then recharge the person responsible for the full cost incurred. The person responsible may also be prosecuted for nuisance under the Public Health Act 1936.
- Anyone wishing to carry out work in, over or adjacent to an ordinary watercourse must apply to us for consent. This is so we can assess the proposals for their effect on the drainage network and environment. contact us (</article/3739/Land-drainage-and-watercourses#contacts>) for advice.

Consents required for work affecting watercourses

If you wish to place, construct or alter anything such as a dam, weir, headwall or culvert which may affect the flow in a watercourse, you must get our written consent. Please contact us to discuss your proposal before submitting your application. An application fee of £50.00 is required to cover our costs for examining the proposals. Please note, these consents are in addition to any planning or building regulation approvals you may need.

Failure to apply for consent

If you carry out work without first obtaining formal written consent, we can serve a notice requiring you to stop work within a specified time. If you fail to comply with the notice then we may carry out the necessary work ourselves and recharge the person responsible for the full cost incurred, or we can take the matter to court where a fine may be imposed.

Other relevant legislation

- **Discharge:** Certain discharges to watercourses require consent. This includes outfalls from septic tanks and private sewerage treatment plants.
- **Planning:** If you propose to discharge surface water from a new building or development into an existing watercourse, you may be required to make improvements downstream (to enable the watercourse to deal with any increased flow) or to provide storage to control the rate of flow from the site.

Contact us for further advice on the above.

Roadside ditches


The riparian owner of a ditch alongside a road is normally the adjoining landowner, as the highway boundary invariably lies along the top of the bank closest to the road. Therefore, although the road may drain into the ditch, the landowner is responsible for maintaining it.

However, if we have piped the ditch, we may become responsible for its maintenance. Likewise, any pipe beneath the highway is our responsibility. When the condition of a ditch is causing flooding on a highway, we will take action under the Land Drainage Act.

Road drains and gullies (<http://www.durham.gov.uk/article/1952/Road-drains-and-gullies>)

Contact us

Highways and Streetscene

 **email** Highways and Streetscene (<mailto:help@durham.gov.uk>)

 **Telephone** 03000 261 000

