



Northumberland
County Council

Roles and responsibilities: Flooding

*A 'who does what' guide to help you understand your role and the responsibilities
of Risk Management Authorities.*

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Introduction

Flooding can happen anywhere at any time, caused by rising groundwater levels, burst or blocked drains or water mains, surface water run-off from sudden rain as well as flooding from rivers and the sea.

Roles and Responsibilities: Flooding is a 'who does what' guide to help you understand your role and the responsibilities of Risk Management Authorities involved in flooding.

Climate change is causing changing weather patterns and we are seeing more frequent and heavy rainfall events that are causing more flooding, sometimes in locations where it has not happened previously.

This document sets out the help that various authorities can provide along with the actions that you can take to help yourself.

1. Northumberland County Council's responsibilities

What we do

Northumberland County Council (*"the Council"*) is both the Lead Local Flood Authority (*"LLFA"*) and the Highway Authority (*"HA"*) within the administrative county of Northumberland. As LLFA we are responsible for leading the management of flood risk from surface water, groundwater and ordinary watercourses throughout Northumberland. Some of our main responsibilities are set out below:

Flood Investigations

As the LLFA, the Council has a responsibility to investigate flood incidents under section 19 of the Flood and Water Management Act 2010 (*"the 2010 Act"*) to an extent that it considers appropriate. Our investigation should identify and notify the appropriate Risk Management Authority (*"RMA"*) and ascertain whether the RMA has exercised or proposes to exercise their flood risk management functions. Once complete, we are required to publish the results of our investigation.

The nature of the investigation will depend upon the extent of the flooding. The threshold for triggering a section 19 flood investigation under the 2010 Act is defined as follows:

- Internal flooding to 5 or more residential or commercial properties in a particular geographic area; and / or
- Essential infrastructure disruption for over 5 hours.

The outcome from any investigation may be used to help prioritise future bids for funding. Funding to manage flood risk is prioritised and allocated on a national basis. Therefore, we cannot promise to address all issues.

Ordinary watercourse consents

Ordinary watercourse consent is required from the Council as LLFA for any works that are likely to impede the flow of water to an ordinary watercourse. This process ensures that any work will not increase the risk of flooding or cause negative ecological impacts.

The Council also has discretionary powers under section 25 of the Land Drainage Act 1991 to serve Notice on any persons impeding the flow of an ordinary watercourse without a consent and causing an increase in flood risk.

Planning permission

The LLFA is a statutory consultee on major planning applications. We provide comments on the flood risk to and from new developments, to ensure the risk is properly considered in line with the National Planning Policy Framework.

Flood alleviation works

As LLFA, we carry out works to manage local flood risk. Undertaking flood alleviation works is contingent on attracting external funding. We take a partnership approach to funding flood and coastal management projects. Flood Defence Grant in Aid (*"FDGiA"*) administered by the Environment Agency (*"the EA"*) makes up a large proportion of the funding. Schemes are usually only made possible by contributions from other sources in addition to FDGiA, such as Local Levy from the

Regional Flood and Coastal Committee, public contributions, and private contributions.

Highway drainage

As the Highway Authority, the Council has a duty to maintain the highway under section 41 of the Highways Act 1980.

Culverts under a highway are most likely to be the responsibility of the Council and blockages or any damage to these culverts should be reported to us.

Northumberland flood action plan (“NFAP”)

The Council has prepared the NFAP which is designed to document the response to severe and/or widespread flooding within the Northumberland area.

It was developed using guidance created by the Northumbria Local Resilience Forum (“NLRF”) and sits alongside similar plans developed by all councils within Northumbria, detailing all areas known to be at risk from flooding.

The plan also describes the EA’s flood warning system and how this will be used to trigger individual and multi-agency cooperation in response to flooding in specified areas.

1.1 Reporting flooding to the Council

Please use [Fix My Street](#) to report:

- a problem with an adopted highway;
- flooding onto an adopted highway; or
- a blocked or damaged culvert under an adopted highway.

Contact the LLFA on FCERM@northumberland.gov.uk to report a flooding incident arising from an ordinary watercourse, surface water, or groundwater or apply for Ordinary Watercourse Consent.

If residents feel that their property is in **danger of immediate flooding**, and that they do not have suitable protection, then they should call us on **0345 600 6400**.

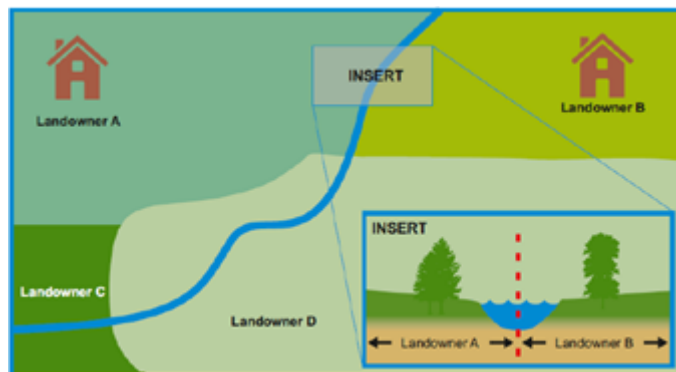
2 Landowner responsibilities

2.1 Riparian owners

If you own land or property next to a river, stream, ditch or culvert/pipe that forms part of a watercourse, you are generally deemed to be a “*riparian owner*” of that part of the watercourse and the land below it under the principles of common law.

This is illustrated in the plan shown below where:

- Landowners A and B are generally considered to be the riparian owners of that section of the watercourse running between their respective properties up to the centre of it
- Landowners C and D each own the entire length of the watercourse running through their land.



Main Rivers – the EA have designated some rivers as ‘Main Rivers’ under the Water Resources Act 1991. The EA has a Statutory Main River Map online which identifies these rivers. The EA may carry out maintenance, improvement or construction work on Main Rivers to manage flood risk. However, the riparian owner is still ultimately responsible for the maintenance of Main Rivers.

Ordinary Watercourses – are any other watercourses that does not form part of a Main River, as identified in the Land Drainage Act 1991 (“*LDA*”).

The LDA defines watercourses as all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

The LLFA is responsible for regulation of ordinary watercourses. However, the riparian owner is still ultimately responsible for the maintenance of ordinary watercourses.

2.2 Riparian responsibilities

Riparian owners have certain rights and responsibilities, including the following:

- they must allow flow of water through the land without any obstruction, diversion or pollution
- they must accept flows through their land even if this causes ponding due to inadequate capacity downstream
- they must maintain the bed and banks of the watercourse, and the trees and shrubs growing on the banks
- they must clear away any debris, even if it did not originate from their land. This debris may be natural or man-made
- they must keep any structures that they own clear of debris. These structures include culverts, trash screens, weirs and mill gates
- they must control invasive species such as Japanese Knotweed, Himalayan Balsam and Giant Hogweed
- they have a legal obligation to notify the relevant risk management authority when wanting to build or alter a structure across a cross-section of a watercourse.

Riparian landowners must understand and act upon these responsibilities, if not they could face legal action.

While riparian owners have the right to protect their property from flooding and their land from erosion, they must not pass on the risk to others. These activities may require a land drainage consent from the Council if the works are by an ordinary watercourse; or an environmental consent from the EA if the works are by a main river.

It is important to maintain a watercourse in a way that does not cause detriment to wildlife and ecology, riparian owners should:

- Undertake any work in late September/October as this should minimise impact on nesting or breeding birds and outside of the fish spawning season
- Use hand tools where possible
- Be mindful when removing silt, changing the profile of a river can increase flood risk upstream or downstream
- Place any spoil on the bank of the watercourse for a few days to allow organisms to return to the watercourse
- Keep a vegetated berm on the banks of the watercourse; this is important for biodiversity, shade and sediment control
- Check for protected species and control invasive species
- Check if you are working in or near a protected site such as a Special Area of Conservation, Special Protection Area or Site of Special Scientific Interest, in which case Natural England should be contacted before undertaking any work.

Further information and resources:

- [Government guidance – Owning a watercourse](#)

- [Wild Trout Trust - Dredging rivers](#)
- [Consent on an ordinary watercourse](#)
- [EA Environmental Permits](#)

2.3 Personal flood resilience

As the Council cannot investigate all flood events or source funding for all flood risk management schemes, we encourage personal flood resilience as your first defence against the risk of flooding. This involves protecting your property to limit any damages in an event of a flood. Potential measures include:

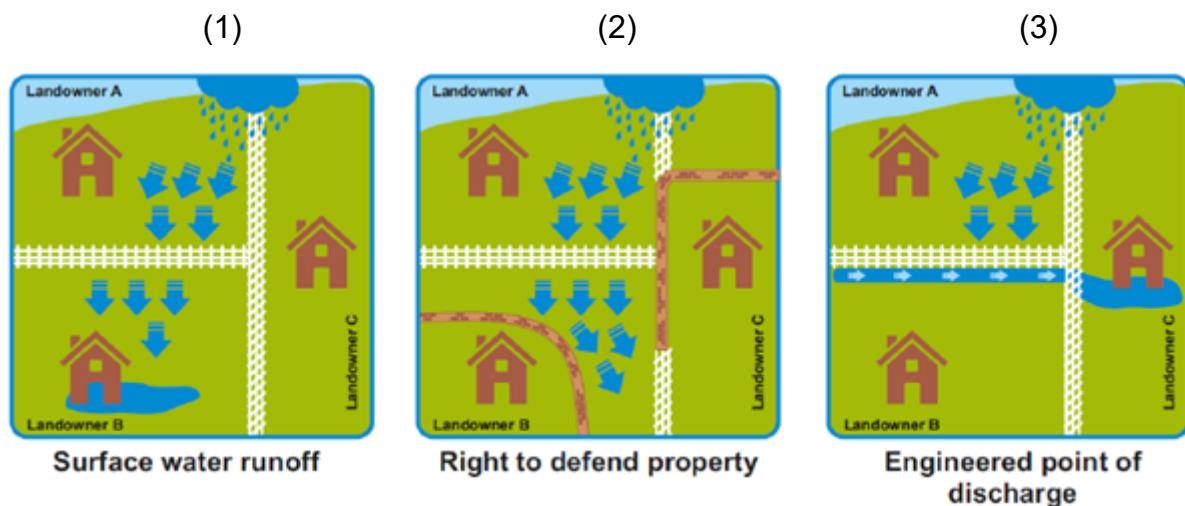
- [Checking if there is a flood warning service in your area](#)
- [Creating a personal flood plan](#)
- Protecting your property – installing Property Flood Resilience measures such as flood doors, air brick covers, flood gates, pumps or sandbags
- Managing surface water in the garden – using measures such as rain gardens, rainwater butts, damp resilient planting, increasing the permeability of surfaces or creating soakaways
- Further online advice is available at:
 - [Flood Re](#) – home insurance advice
 - [National Flood Forum](#) – a charity to support people at risk of flooding
 - [The Flood Hub](#)

2.4 Surface water flooding

Under common law, a landowner is required to use their land and property in a way that does not increase the risk of flooding to neighbouring properties. For example, a property owner may not engineer a means to drain surface water from their own land which increases a neighbour's risk of flooding or causes damage to a neighbouring property.

Landowners at a higher elevation do not have a legal responsibility to attenuate water within their property boundary to prevent water from affecting land at a lower elevation in its natural quantity and quality (see Drawing 1 below, where the natural runoff from Landowner A has caused flooding further downhill on Landowner B's property).

Whilst a landowner has a right to protect their property (as shown in Drawing 2, where the surface water runoff is diverted away from Landowner B's property) they must not pass on a nuisance to a neighbouring property (as illustrated in Drawing 3).



If one landowner has engineered a point of discharge onto another's land, or is using their land in a way which unnaturally increases the flood risk to another, it is recommended that both parties liaise with each other in the first instance.

This is a civil matter between the two parties. The Council's Flooding & Coastal Erosion Risk Management team ("*FCERM*") actively promote this line of communication to help to resolve any issues.

If communications break down in trying to resolve matters, then seeking independent legal advice or [contacting Citizens Advice](#) may be appropriate.

3 Flooding and the public highway

As a Highway Authority (“HA”), the Council has a duty to maintain the public highway, by keeping the highways safe and clear of excess water where possible. The Council maintains and cleanses gullies and grips. We are keen to work in partnership with farmers and agricultural contractors to resolve maintenance issues.

3.1 Roadside ditches

There are three categories of roadside ditch:

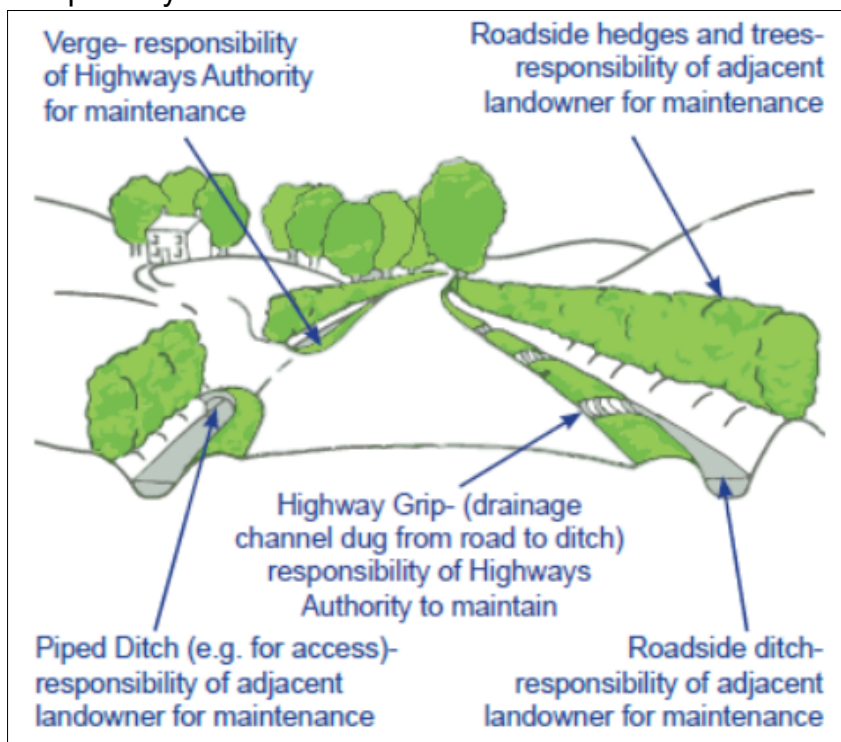
- A ditch on the field side of a fence or hedge taking land drainage as well as highway drainage, which is a responsibility of the Riparian landowner
- A ditch on the roadside of fences and hedges taking land drainage (other than any highway drainage, specifically provided by the HA) which is the responsibility of the landowner
- A ditch created by the HA and owned by them solely for draining the highway, which is the responsibility of the Highway Authority.

Most open ditch drainage systems in Northumberland are historic and are the responsibility of the adjoining landowner for maintenance, but the HA has prescriptive powers to drain into them.

Common Law imposes a duty on the owner of land adjoining a highway to maintain these ditches that provide natural drainage for both the land and highway.

Where the responsible owner does not undertake appropriate maintenance, the Council’s Highways Service will charge for any work that is incurred.

The Council’s agreement must be sought before piping any ditch to ensure that an adequate system is installed.



3.2 Maintenance

Any occupier of land that is adversely affected by highways drainage should contact the Council.

Ditches should be kept clear of vegetation and/or obstructions to allow effective drainage of water. You should contact the Council before commencing work to ensure that any proposed works are acceptable.

Material excavated from the ditches during maintenance should be deposited in a suitable location. It should not be deposited where it may become a maintenance issue. Any accumulation of material in excess of 300mm above the carriageway should be removed from the highway, as should any rubbish or tree roots.

4. Other Risk Management Authorities

4.1 Environment Agency

The EA is responsible for leading on the management of flood risk from main rivers and the sea. The EA has *permissive powers to carry out maintenance work on main rivers under section 165 of the Water Resources Act 1991*.

An environmental permit is required from the EA for any works that are in, under, over or within eight metres of the bank of a main river.

The EA provides a flood warning service throughout England and Wales in areas at risk of flooding from rivers or the sea. They do this by monitoring rainfall, river levels and sea conditions 24 hours a day and then use this information to forecast the possibility of flooding.

Please contact the EA to:

- [find out if you are eligible to receive a flood warning](#)
- report main river flooding
- report a pollution incident
- obtain an environmental permit for works in, under, over or within eight metres of a main river
- speak to someone regarding maintenance on a main river.

Contact:

Email: northeast-newcastle@environment-agency.gov.uk

Main enquiries telephone: 03708 506 506

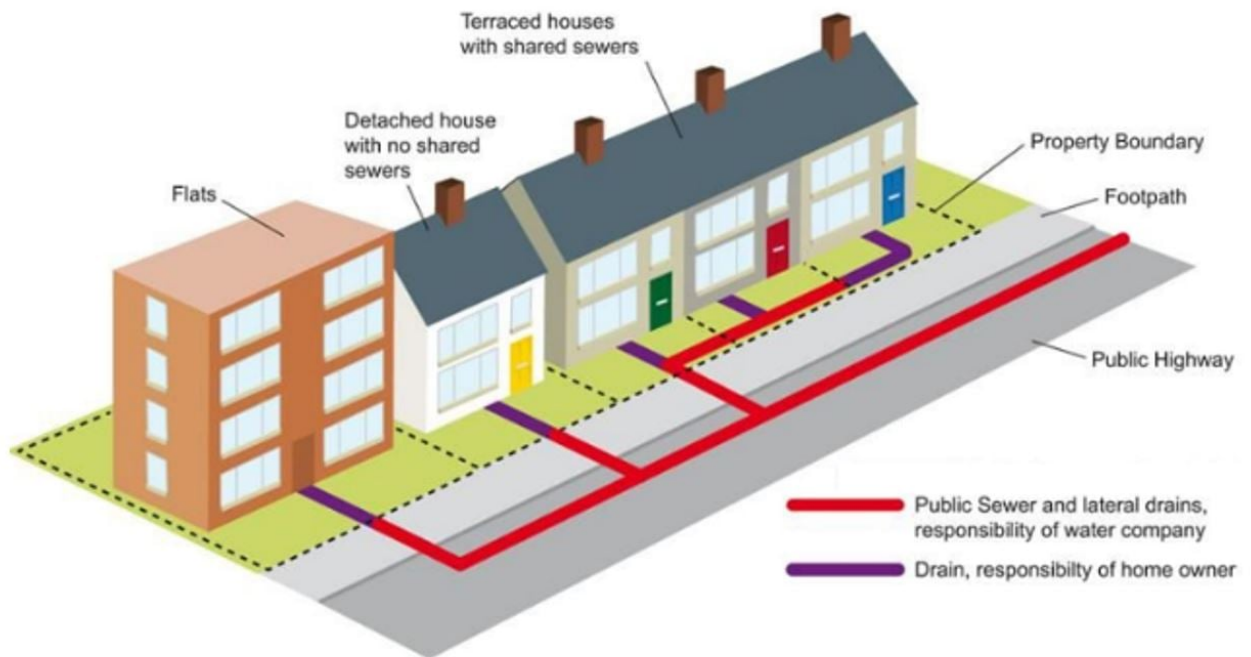
Floodline: 0345 988 1188

4.2 Northumbrian Water Limited (“NWL”)

NWL is responsible for the maintenance of the main sewerage system within Northumberland.

Most properties are connected to a drain; this is the responsibility of the property owner. Property owners are typically responsible for maintaining and resolving any problems within the drains up to the boundary of their property, or where the pipe connects with a drain from another property. If a property owner has a blocked drain, they will need to contact a plumber or drain unblocking service to unblock it for them.

The drain is connected to a sewer usually in the street or road near the property. In most cases this will be a public sewer; it belongs to NWL and is their responsibility. The schematic overleaf shows the responsibilities associated with a typical drainage system.



Contact:

Emergency Sewer Flooding - Telephone: 0800 328 7648.

Other issues - Telephone: 0345 717 1100

www.nwl.co.uk

4.3 National Highways

National Highways is responsible for managing road drainage from the major road network in England, including the slip roads to and from major roads.

Within Northumberland this includes the A1, A19 and A69. Culverts under a major road are most likely to be the responsibility of National Highways. Any blockages or any damage to these culverts should be reported to National Highways.

Please contact National Highways to:

- report flooding on the A69, A19, A1
- report a blocked or damaged culvert under the A69, A19, A1.

Contact:

Email: info@nationalhighways.co.uk

General enquiries telephone: 0300 123 5000

[National Highways Website](http://NationalHighwaysWebsite)

Who to contact at Northumberland County Council?

Email: highwaysandneighbourhoodservices@northumberland.gov.uk

To report a problem: [FixMyStreet \(northumberland.gov.uk\)](#)

Telephone: 0345 600 6400

[Northumberland County Council's website](#)