



Northumberland
County Council

Roles and responsibilities for flooding

Helping you understand your role and the roles of Flood Risk Management Authorities with regards to flood risk

Roles and responsibilities for flooding

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

Roles and Responsibilities for Flooding is a 'who does what' guide to help you understand your role and the roles of other Flood Risk Management Authorities.

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

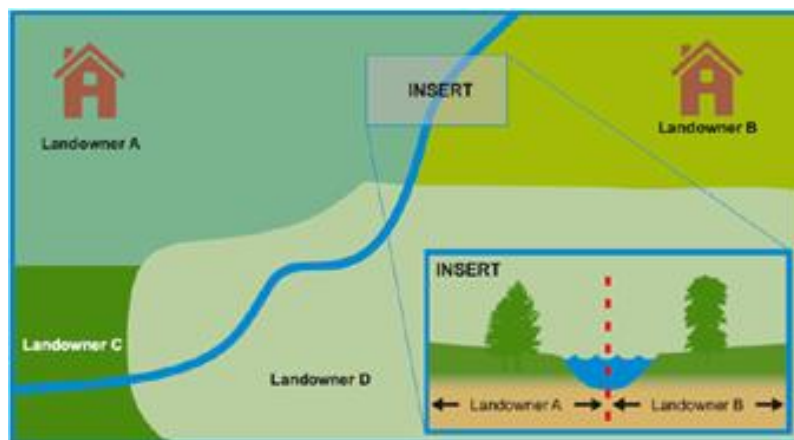
This document sets out the help that various authorities can provide along with the actions you can take to help yourself.

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. Riparian owners have the right to protect their property from flooding and their land from erosion.

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; and
- Landowners C and D each own the entire length of the watercourse running through their land.



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

- they must allow flow of water through the land naturally without any obstruction, diversion, or pollution;
- keep any structures that they own clear of debris. These structures include culverts, trash screens, weirs, and mill gates;
- control invasive species such as Japanese Knotweed, Himalayan Balsam and Giant Hogweed;
- Maintain bed and banks of the watercourse;
- they have a legal obligation to notify the relevant risk management authority when wanting to build, alter a structure within the cross-section of a watercourse.

You may have to remove blockages, fallen trees or overhanging branches from your watercourse, or cut back trees and shrubs on the bank, if they could:

- reduce the flow or cause flooding to other landowners' property – you may have to pay damages if they do

You should:

- leave all other trees, branches and shrubs - they can help prevent flooding by varying the shape and flow of the channel, and reduce erosion'

It is important to maintain a watercourse in a way that is not a detriment to wildlife and ecology.

- Undertake any work in late September/October as this should minimise impact on nesting or breeding birds and outside of the fish spawning season;
- Using 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: Special Area of Conservation, Special Protection Area or Site of Special Scientific Interest. Natural England should be contacted before undertaking any work that is within or could affect these designated sites.

Further information and resources:

- **Government guidance – Owning a watercourse**
<https://www.gov.uk/guidance/owning-a-watercourse>
- **Consent on an ordinary watercourse**
<https://www.northumberland.gov.uk/Highways/FCERM.aspx#consentingonordinarywatercourses>

Northumberland County Council (NCC)

Northumberland County Council is both the Lead Local Flood Authority (LLFA) and the Highway Authority (HA) within Northumberland.

As the LLFA, Northumberland County Council has a responsibility to investigate flood incidents under Section 19 of the Flood and Water Management Act (2010). The nature of the investigation will depend upon the extent of the flooding. We have powers to carry out works to reduce flood risk and we prioritise our resources to where flood risk to property is greatest. Funding to manage flood risk is sought from Government and, therefore, prioritised and allocated on a national basis. Therefore, we cannot promise to address all issues.

Land drainage consent is required from Northumberland County Council for any works that are likely to impede the flow of water within an ordinary watercourse. This is to ensure that the risk of flooding does not increase and that any ecological issues are addressed.

Northumberland County Council also has 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.

As the Highway Authority, Northumberland County Council has a duty to maintain the highway under Section 41 of the Highway Act (1980).

Culverts under a Highway are most likely to be the responsibility of Northumberland County Council and blockages or any damage to these culverts should be reported to NCC.

In the event of a flooding emergency Northumberland County Council issue sandbags. Members of the public are advised to self-help by purchasing sandbags in advance from hardware stores and builders' merchants where alternative flood protection devices can also be acquired.

Please contact Northumberland County Council if you:

- Wish to report a flooding incident arising from an ordinary watercourse or surface water please follow the link;
- Want to obtain a Land Drainage Consent for works in an ordinary watercourse.
- Wish to report a problem with an adopted highway;
- See flood water on an adopted highway;
- Wish to report a blocked or damaged culvert.

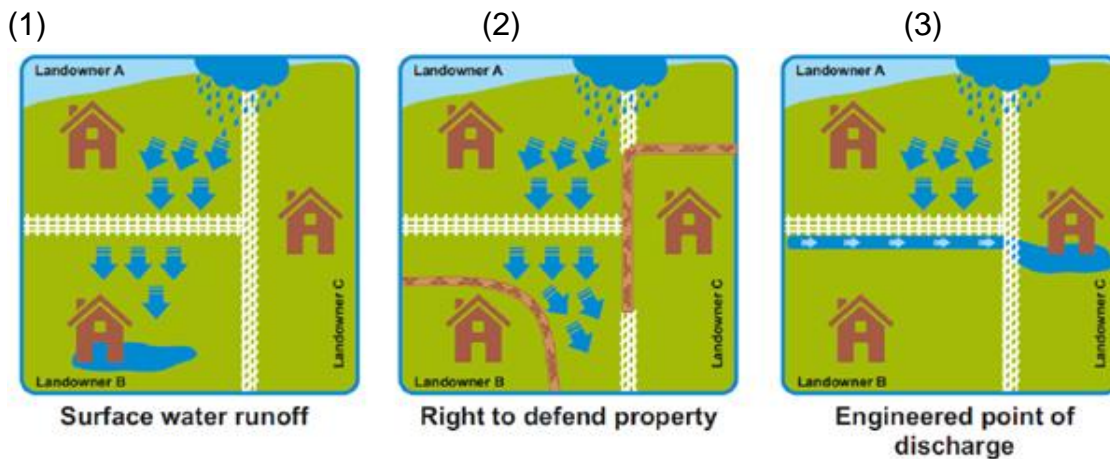
Surface water flooding

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.

A landowner does have the right to protect themselves from surface water runoff.

However, landowners at a higher elevation of land 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 is illustrated in Drawing 3).



If one landowner has engineered a point of discharge onto another's land, it is recommended that both parties liaise with each other in the first instance if this is causing, or is likely to cause, any problems and Northumberland County Council 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 at www.citizensadvice.org.uk may be appropriate.

Personal flood resilience

As mentioned above, we may not be able to investigate all flood events or be able to invest into flood risk management solutions.

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.

- Check if there is a flood warning service in your area - <https://www.gov.uk/sign-up-for-flood-warnings>
- Create a personal flood plan;
- Protect your property – install property level protection;
- Manage surface water in the garden;

Environment Agency

The Environment Agency has permissive powers to carry out maintenance work on main rivers under Section 165 of the Water Resources Act (1991).

Under Section 109 of the Water Resources Act (1991) an environmental permit is required from the Environment Agency for any works that are in, under, over or within five metres of a Main river. The Environment Agency 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 Environment Agency if you:

- Wish to obtain an environmental permit for works in, under, over or within five metres of a main river;
- Wish to speak to someone regarding maintenance on a main river;
- Wish to find out if you are eligible to receive a flood warning
<https://www.gov.uk/sign-up-for-flood-warnings>

Northumbrian Water (NWL)

Northumbrian Water is responsible for the maintenance of the public sewerage system within Northumberland.

Most properties are connected to a drain; this is the responsibility of the property owner. Property owners are responsible for maintaining and resolving any problems within the drains up to the boundary of their 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 NW and is their responsibility. If you are concerned that there may be a blockage in the public sewer, please call 0845 717 1100 (24 hours). The schematic below shows a typical drainage system.

The Highways Agency

The Highways Agency is responsible for managing road drainage from the trunk road network in England, including the slip roads to and from trunk roads.

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

Please contact the Highways Agency if you:

- Wish to report flooding on a trunk road;
- Wish to report a blocked or damaged culvert under a trunk road