

# Drains and Sewers

– A guide to your responsibilities

[www.npt.gov.uk](http://www.npt.gov.uk)



## What is a drain?

A drain is a pipe which conveys either foul water (sink/bath/toilet) or Surface Water (rain) from **one house only**.

The owners or occupier of a house is solely responsible for maintaining a drain, clearing blockages and repairing faults which solely serve the property. However any drain that crosses the curtilage of the property now becomes a 'Lateral Drain' that is the responsibility of the sewerage undertakers (Welsh Water) under the 2011 Private Sewer Transfer. <https://www.gov.uk/government/publications/the-private-sewers-transfer-regulations>

## What is a Sewer?

A sewer is a pipe which conveys either foul water or surface water from **more than one property**.

A sewer may be either **PUBLIC** or **PRIVATE**.

A **Public Sewer** is a sewer vested in the Water Utility Company (in the case of the Neath Port Talbot County Borough Council area the Water Utility Company is Dŵr Cymru/ Welsh Water). Such sewers are often found under the highway, but can be anywhere. A sewer under a highway is **NOT** automatically a public sewer. The Water Company and Local Authorities hold copies of the Public Sewer Maps showing the locations of these public sewers which are open to public inspection free of charge.

Not all public sewers are included on the Sewer maps. Sewers constructed before 1st October 1937 are the responsibility of the Water Company. Plans of this type of sewer seldom exist. Each case has to be assessed using the evidence available.

A Private Sewer is normally the responsibility of the owners or occupiers of all the houses it serves. This means that the owners or occupiers of all houses upstream of a blockage or defect are all responsible for clearance or repair. If you live in rented accommodation you should contact your landlord to clarify your responsibilities regarding sewers serving the property you are renting.

## What can I do if my drain or private sewer blocks?

You may need to employ a private contractor. A wide choice can be found in "Yellow Pages"

under "Drain and Pipe Cleaning". Always ask for a quote before employing any contractor.

Where several houses are affected by a blockage in a private sewer you should endeavor to agree to share the cost with each householder before employing a contractor. Where difficulty with agreement is experienced the Environmental Health Department should be contacted on **01639 686868**.

## What can I do if a public sewer blocks?

Telephone the Welsh Water Call Centre on **08000 853968**

This is a 24 hour / 365 days a year call centre number.

## What happens if my drain or private sewers requires repair?

You should arrange for repair to be carried out by a Contractor. The cost of repairs to private sewers should be shared by the various householders who benefit from use of the sewer. If you are unable to obtain the agreement to share costs then you should contact Environmental Health and Trading Standards on **01639 686868** who will be able to advise you.

Your Building Insurance Policy may cover the cost of repairs – look under the "Accidental Damage to Services" clause in your policy.

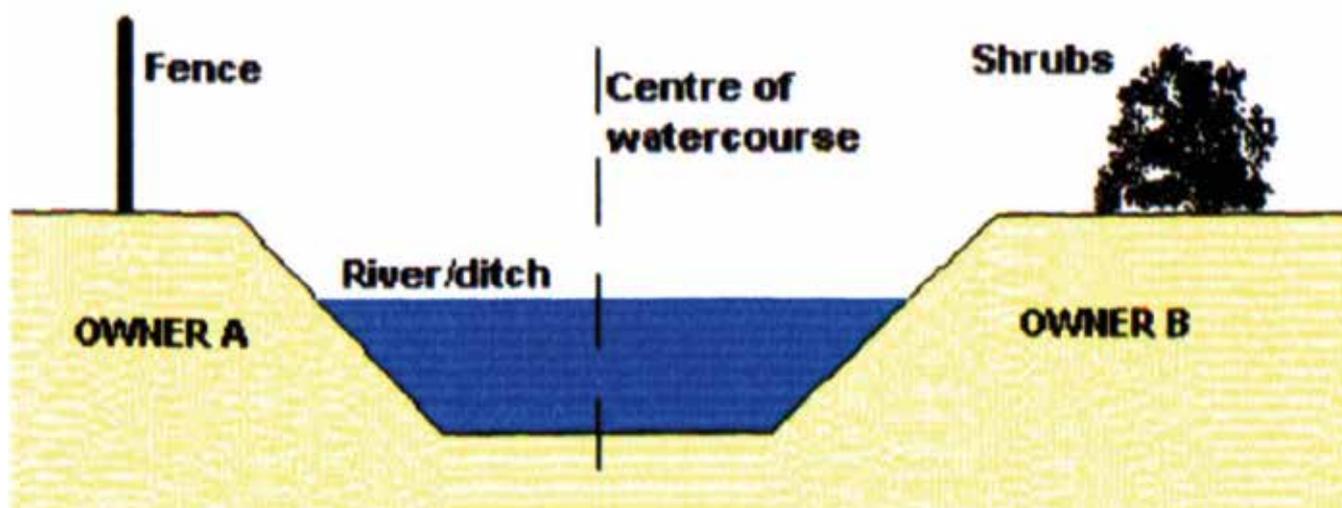
## What happens if I don't clear the blockage or carry out repairs?

Neath Port Talbot County Borough Council have various Public Health powers under several Acts of Parliament which enable it to require, by formal legal notice, the clearance of any blockage or the undertaking of any necessary repair work. Failure to comply with formal legal notices is an offence and can lead to prosecution. Repairs will have to be carried out by a private contractor as the Local Authority does not undertake repair work to private sewers and drains unless requested to do so under special circumstances by the Environmental Health Department.

## What do I do if a road gully blocks?

Contact Neath Port Talbot Borough Council's Service First Team by telephone on **01639 686868** (24 hours)

# Land Drainage – Riparian Ownership



Land Drainage is a complex area of responsibility. As a rule of thumb, however, the general approach is that the landowner is responsible for the land drainage of their land.

This can create problems since legally a person owning lower-level ground has to accept natural land drainage water (that is, spring water, ground water or surface water run-off) from adjacent land at a higher level. The exception to this is where the owner of that adjacent land has carried out "improvements" such that the run-off from the land cannot be considered 'natural' – for example if the entire back garden has been paved over. Such natural run-off does not include water from gutter downpipes.

An ordinary watercourse is every river, stream, ditch, drain, pipe, cut, dyke, sluice, sewer (other than public sewers) and passage through which water flows and does not form part of a main river. A landowner adjoining the watercourse is responsible for its maintenance and the flow within it.

Under the Land Drainage Act 1991 Local Authorities are the operating authority for all ordinary watercourses. This does not mean that the Council is responsible for all ordinary watercourses, only for those which pass through land in the Council's ownership. The Council has permissive powers only under the 1991 Act to carry out or enforce works on ordinary watercourses.

You are a riparian landowner if you own a property adjacent to or including a river or any other watercourse unless the river or watercourse is wholly within your neighbours property when it is wholly their responsibility.

As a riparian landowner you have certain rights and responsibilities in relation to the watercourse flowing through or adjacent to your property. These "riparian rights" are based on common law and have been defined as a result of legal cases over many years. These rights are not absolute and you may in any event have to obtain consent for any works to a watercourse from the Council. Works you propose may also require planning permission - you should always check with your local planning office before undertaking any work

Land Drainage problems reported to the Council through Service First (**01639 686868**) will always be investigated and the appropriate advice given to the landowner.

## Your Rights

- You may own land up to the centre of the watercourse.
- You have the right to receive the flow of water in its natural state, without undue interference in quantity or quality.
- You have the right to protect your property from flooding, and your land from erosion.
- You have the right to fish in your watercourse, although this must be by legal methods and with a Natural Resources Wales Rod License.
- Currently you can abstract a maximum of 20 cubic metres per day of water for the domestic purposes of your own household or for agricultural use, excluding spray irrigation, from a watercourse at a point which directly adjoins your land without the need for a licence. Most other types of abstraction will require a licence from Natural Resources Wales.

These rights are modified by your Duty to other riparian owners, the rest of the community and the environment.

As a general rule, whenever undertaking work on your land to manage land drainage or surface water you must not modify the exit point or the volume and speed of water leaving your property, unless otherwise agreed in writing by the Local Authority.

Before starting any work on or adjacent to a watercourse, you must submit the plans of any work to the Council to determine whether you require a land drainage consent and / or planning permission. Environmental issues, including flood risk, wildlife conservation, fisheries, reshaping of the river and landscape, must all be considered. It is always wiser to speak to the Council first as they are the consenting authority for work in a watercourse.

## Your Responsibilities

- You have the responsibility to pass on flow without obstruction, pollution or diversion affecting the rights of others.
- You have the responsibility to accept natural flood flows through your land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse.
- You have a responsibility for maintaining the bed and banks of the watercourse or pipe/culvert through which it flows (including trees and shrubs growing on the banks) and for clearing any debris, natural or otherwise, including litter and animal carcasses, even if it did not originate from your land. Advice on the removal of animal carcasses can be obtained from the Council's Environmental Health Department. There is however no duty to protect the banks of a watercourse from natural erosion. Where trees are concerned the Council should be contacted regarding any Tree Preservation Orders (TPO) which may exist.
- You must not cause any obstructions to the free passage of fish.
- You are responsible for keeping the bed and banks or pipe/culvert entrance clear from any matter that could cause an obstruction either on your land, or by being washed away by high flow to obstruct a structure downstream. Watercourses and their banks should not be used for the disposal of any form of garden waste.
- You have the responsibility for protecting your property from seepage through natural or man-made banks.
- You will need consent from the Council if you want to construct a culvert or flood relief control structure on any ordinary watercourse. Generally the Council opposes culverting you should always contact the Council directly to discuss your proposals on **01639 686868**.
- **You are responsible for keeping clear any structure that you own such as culverts, trash screens, weirs etc.**

When purchasing land, a buyer should pay particular attention where a property search identifies the presence of a piped/culverted watercourse within the boundaries of that land. As outlined above, a piped/culverted watercourse can be a significant liability to the owner which needs to be fully understood.

# Rainfall

## What is Extraordinary Rainfall?

Extraordinary rainfall occurs when a storm drops water at a greater rate than is allowed for in design standards for drainage systems.

In the older parts of the Borough the sewerage and drainage systems will be designed to cater for an average rainfall rate of between 25mm (one inch) and 50mm (2 inches) per hour.

In more modern areas more sophisticated calculations would take account of higher rainfall rates in small areas and lesser rates over larger areas depending on the length of time it takes water to flow from the furthest point in the catchment area to the length of pipe being designed. These rainfall rates are expressed in terms of the probability that they will occur in any one year.

In a small area such as a small housing estate the drainage system will be designed to cope with a storm that may occur in any year with a probability of 1:1 or 100%.

Larger areas will have systems capable of taking the flow from a storm that will have a 1:5 (20%) chance of occurring in any one year (also expressed as a probability of one occurrence in five years).

More significant drainage channels and rivers are designed to deal with a design storm which is likely to occur only once in 100 years (1%) or less.

## What happens during an extraordinary storm?

The most frequent type of extraordinary storm is a short burst of extremely violent rain. These will often overwhelm the drainage systems and may give the appearance the road gullies are not functioning correctly because the water will not drain away. In extreme storms it is likely that several inches of water may gather in car parks and on carriageways. Water that normally soaks into the ground on gardens and lawns will also gather to a depth of some inches. As watertable levels become higher it will take longer for water of this nature to drain away and gardens will take on a waterlogged appearance.

Water will drain away eventually once the rainfall rate eases off. There may be little point in the Council trying to erect flood warning boards, close roads (unless the circumstances are really exceptional) or divert water as these phenomena are normally short lived and the water will recede before the Council can mobilise effectively.

In the event of a major flooding incident the Council has emergency powers and an Action Plan to respond to this type of event.

## What you should do in the event of a flash flood

In most instances there is no need to take action. The Damp Proof Course (DPC) of most houses is 150mm (six inches) above ground level and normally there is a route that rainwater may take away from houses before it gets sufficiently deep to threaten the property.

If you do decide to try to divert water away from your house or prevent water coming onto your land you must respect your neighbour's rights.

There is a right to natural drainage; this means that water flowing naturally across the surface of your land is permitted to flow downhill naturally onto your neighbour's land. You must not channel the flow of water in such a way as to cause damage to your neighbour's land. So water falling as rain on your lawn is permitted to flow downhill onto your neighbour's land but roof water coming from a down-pipe is not.

Similarly your neighbour on the uphill side has a right to let the water flowing naturally across his land to flow onto your land. You must not take any action to prevent such flows, although you may take reasonable action to prevent your land being flooded. One of the problems with modern urban areas is that construction of obstructions to natural flows such as walls and raised patios can cause neighbouring properties to flood.

## River Flooding

Main rivers are usually larger streams and rivers and a main river is defined as a watercourse shown on the main river map. Main rivers are the responsibility of Natural Resources Wales and they keep the maps of rivers.

River flooding normally occurs as the result of a storm or series of storms over the whole of a river catchment. These storms are usually of a longer duration and are less intense than the storms that cause flash flooding. Natural Resources Wales is able to issue several hours warning of the likelihood of river flooding, using their automatic flood warning system if you are registered to receive it, and by Radio and TV messages.

The vast majority of rivers, streams and ditches are the responsibility of the 'riparian' landowners who own land on either bank. If your property boundary is a ditch, river or stream you should be maintaining it regularly. This will have a beneficial effect of reducing the risk of flooding from the watercourse during times of wet weather, both for you and your neighbours.

## Foul Sewers

In an ideal world sewers would not be affected by heavy rain. The Borough is served in many areas by separate drainage systems for both foul water and surface water. A separate foul drainage system is not designed to be capable of taking surface water flows. They are only designed to cater for the relatively small amounts of 'dirty' water coming from toilets, baths, sinks and wash-hand basins of the properties connected to the sewer. If you divert water from your garden into the foul drain this could cause flooding to occur at some point downstream and possibly cause problems of incapacity at the treatment works which are not designed to cope with large rainwater flows.



Prosser Terrace, Abercregan,  
Land Drainage/Highway Drainage Scheme  
Gabion works at surface water outfall



Maerdy Grids  
Regularly maintained by the Council

# Summary of Responsibilities

## The Sewerage System – Responsibility of Dŵr Cymru/Welsh Water

- In this Council's area all public foul water sewers are maintained by Dŵr Cymru/Welsh Water.
- The call centre for this maintenance operation is located in a central location in Cardiff.
- The call centre 24 hr /365 day Telephone No. is **08000 853968**.
- Where surface water drains appear on the maps of adopted public sewers, they are also the responsibility of the sewerage undertaker, Dŵr Cymru/Welsh Water.
- It is always better to ask DCWW to clarify or confirm the status of the sewer in question in order to resolve any questions concerning liability.

The maintenance of Private Drains and Sewers, that is pipes that carry effluent from your house to the main public sewer, are usually the responsibility of the landowner whose property they serve.

## Highway Drains

Road gullies and pipes on public highways are the responsibility of Neath Port Talbot County Borough Council.

Where the drains are part of the trunk road or motorway network they are the responsibility of South Wales Trunk Road Agency acting as agents for Welsh Government who own the drains.

## Main Rivers and Major Watercourses

These are the responsibility of Natural Resources Wales.

## Land Drainage

Private Landowners – The responsibility for maintenance rests with the landowner. The County Borough Council has discretionary powers to ensure ditches are maintained but if they need to take action in respect of a ditch on private land they may seek to reclaim the cost from the landowner.

**The County Borough Council's Policy on Flood and Coastal Defence is available from Council Offices and also to view on the Neath Port Talbot Borough Council internet web site at [www.neath-porttalbot.gov.uk](http://www.neath-porttalbot.gov.uk)**

## Some Useful Telephone Numbers

Public Sewerage – DCWW – **08000 853968**

Highway and Land Drainage – NPTCBC – **01639 686868**

Environmental Health – NPTCBC – **01639 686868**

## Disclaimer

This document is a general guide only. If you have a legal problem covering any of the matters referred to in it you should take your own legal advice.