

# Land Drainage Law and Case Studies

Lucy Shepherd  
Lead Local Flood Authority Manager

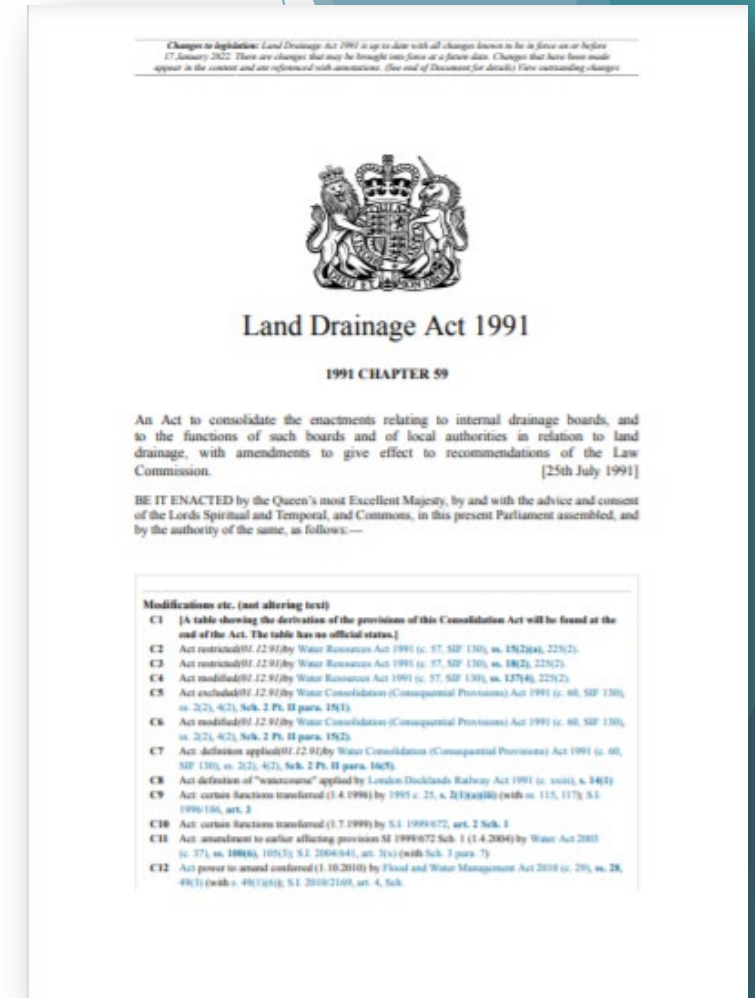
Glenn Shaw  
Watercourse Regulation Engineer

**Essex County Council were transferred powers under the Land Drainage Act 1991 in April 2012.**

**Section 23** – Determining applications for new pipes or other alterations to ordinary watercourses.

**Section 24** – Taking enforcement action against works which have not been consented under Section 23.

**Section 25** – Permissive power to enforce those responsible to undertake maintenance of watercourses where the flow is being impeded.



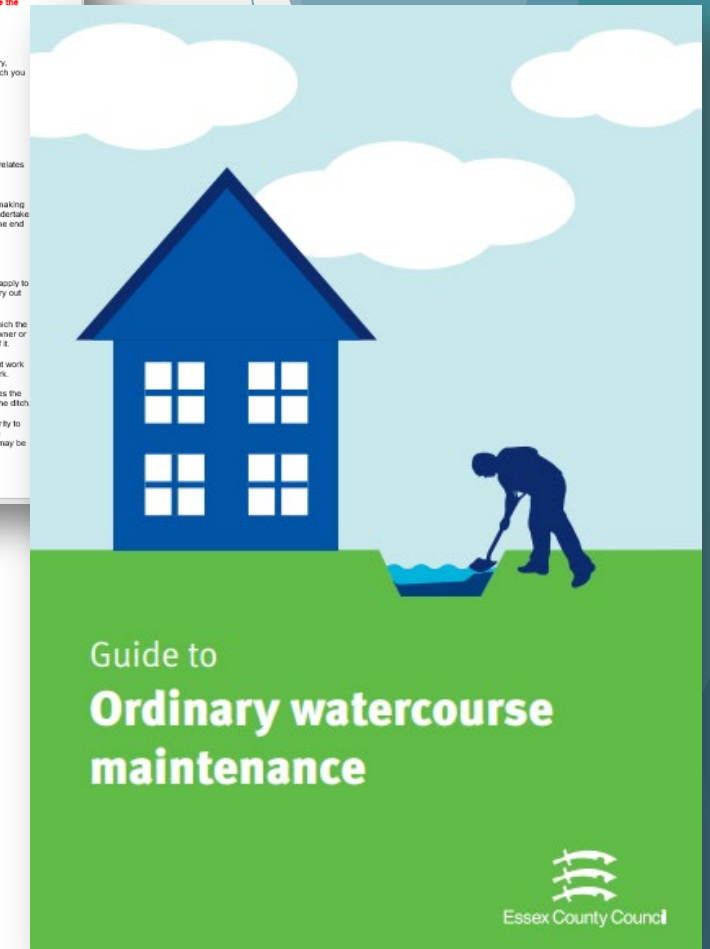
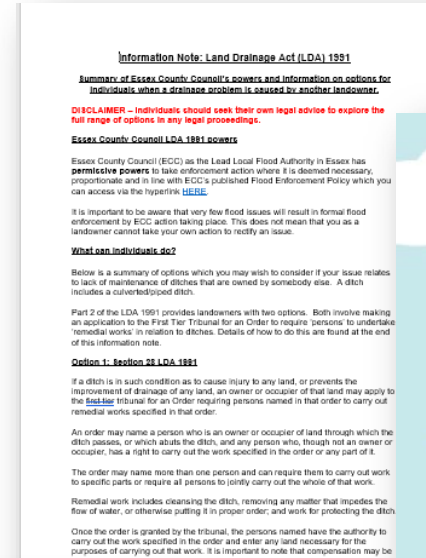
## Land Drainage Act (1991)

**Section 25:** Powers to require works for MAINTAINING FLOW of watercourse.

(1) Where any ordinary watercourse is in such a condition that the proper flow of water is impeded, then, unless the condition is attributable to subsidence.... the drainage board or local authority concerned may, by notice served on a person falling within subsection (3), require that person to remedy that condition.

# How ECC Approach this task:

- Delegation to EFDC who have byelaws
- Strong partnership and information sharing
- ECC Enforcement Policy
- Legal Information Note
- Ordinary Watercourse Maintenance Guide



# ECC Enforcement Policy:

## Enforcement threshold:

We will normally take enforcement action where we consider that an ordinary water course is in such a condition that the proper flow of water is impeded and that this impediment is causing harm to a receptor.

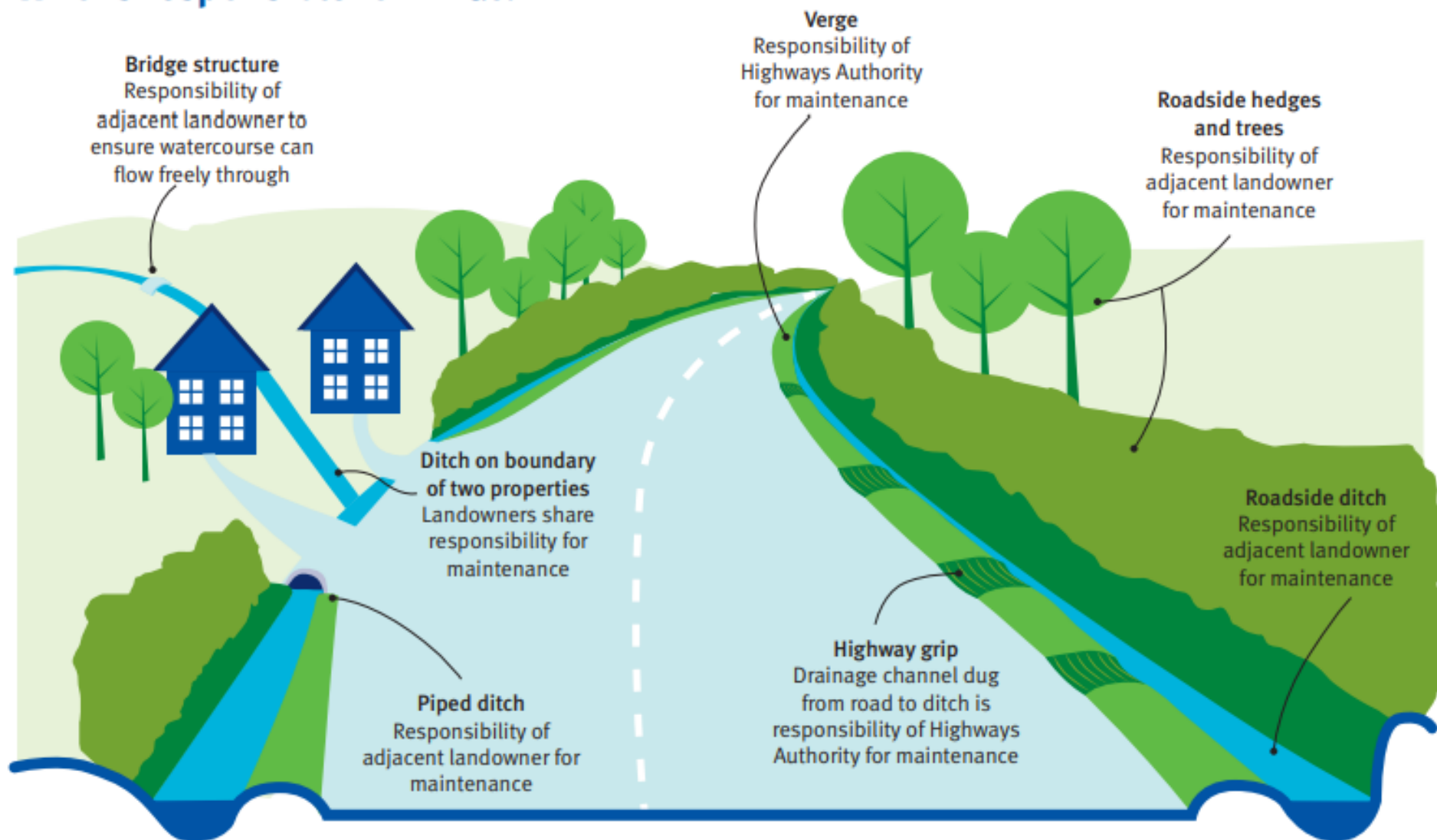
## Receptor can include:

- A “habitable property” defined as any building or structure that is in a condition where it is capable of being used for human habitation or business.
- A “highway” as defined by the Highways Act 1980. This would include footpaths and bridleways.

## The Council considers harm to be established where:

- There is damage to, or a risk of damage to or flooding of a receptor.
- Use or enjoyment of a receptor is affected or impaired.
- There is any other harm which in the opinion of the Council is causing or may cause either perceived or actual damage to a receptor.

## Who is responsible for what?



# Bartholomew Green Road





## Bartholomew Green Road





# Bartholomew Green Road

- ▶ Flooding of Garden due to blocked pipe
- ▶ Visited site and wrote all owners
- ▶ Issue caused by builders who had blocked pipe and filled
- ▶ Resolved by new inspection chamber
- ▶ Wrote and visited person who garden had flooded to say situation resolved.

# Lolands



# Lolands





# Lolands

- ▶ WEAN 000169 Alteration of watercourse
- ▶ Developer removed old pipework due to age although had PP from UTT
- ▶ Sent to us by UTT after complaints from residents.
- ▶ Wrote to Developer S23 etc
- ▶ Met on site and discussed
- ▶ Resolved by submission of S23 for installation of new pipe.