



DRAINAGE

After 1 October 2011

Including highway drainage, land drainage,
groundwater, cesspools and septic tanks

DARTFORD
BOROUGH COUNCIL

Please keep this booklet in a safe place; you never know when a drainage problem may affect you. It is hoped you will never need this but if you do it will be invaluable for reference and guidance.

Drains and sewers

For private households (including owners of ex. Council properties) and businesses; all drains and sewers have a legal status which will determine who is responsible for their upkeep. All drains and sewers will have a legal status. After **1 October 2011** there will be a new definition; that of a **lateral**, but the previously complicated and often inequitable varieties of **sewer** will be simplified.



This booklet, whilst not being a statement of law, is intended to provide advice to assist in determining the status of drains and sewers and should apply to the vast majority of cases. There will be limitations to the advice (for instance where a pipe discharges to a soakaway/watercourse or a cesspool or where blocks of flats are involved) and there will be individual exceptions that will need more specialist examination before advice can be given.

It is a common presumption to think that the Council is responsible for maintaining drains and sewers. The fact is that drains on the owner's land are private and sewers/laterals are public. The Council does not own any of these, unless it is the owner of a property served by the drain, lateral or sewer (just like any other property owner). The Council's responsibility is to ensure that privately owned sewerage does not cause a nuisance or risk to public health where owners may have allowed them to remain blocked or to become defective.

The only records that have to be kept legally are the **maps of public sewers** maintained by the Water Companies. These are normally accurate but may have some omissions. With the adoption of private sewers as public sewers in 2011 there will be a lot of work before all public sewers are recorded. If a public sewer is not shown on these maps that does not alter its legal status. A copy of these maps is kept by Dartford Borough Council for public inspection. Unfortunately copies can only be provided by the Water Company for which a charge is likely to be made.

There are some basic general facts that will help to establish the legal status of a drain, lateral or sewer which should help in the vast majority of cases.

A **drain** is a pipe that serves only one property and is situated within the boundary (curtilage) of that property. **Drains** are owned by that one owner/occupier, as illustrated on the right. The responsibility for cleaning, maintaining and repairing a drain will rest with the owner/user.

From October 2011 responsibility for the **lateral** connection to the public sewer, where it is not in the owner's property, transferred to the Water Company. Any dispute regarding the point where a drain is blocked, whether it is on the owner's land or not will be for the owner and Water Company to resolve. Mediation in such a dispute will be through OFWAT and other water industry regulators.

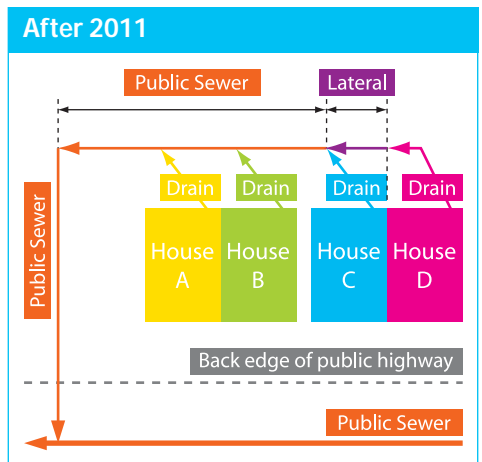
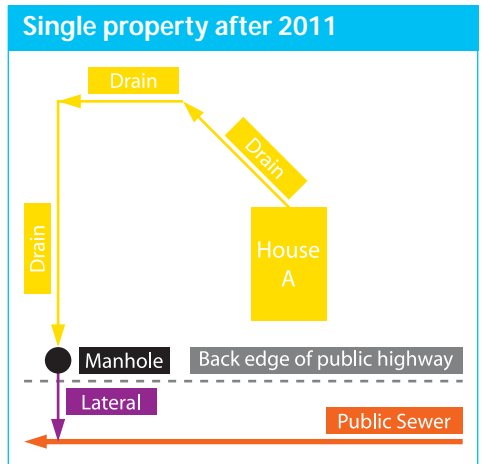
A **sewer** is a pipe for the disposal of foul and/or surface water that serves more than one property. The status of a sewer could have been either **public** or **private** before October 2011; depending on when it was built or if it had been adopted.

Private sewers will generally cease to exist after October 2011 as ownership will transfer to the Water Companies and will be adopted as **public sewers** and will be cleansed, maintained and repaired free of charge by the Water Company. The new arrangement is illustrated below from which it can be seen that the responsibilities for all ages of sewer will have been made the same and with much reduced responsibilities for the householder/property owner.

There are a few exclusions whereby sewers will not have been adopted, for instance;

- Private sewage treatment sites and the sewers draining to them,
- Sewers draining to watercourses, soakaways and boreholes,
- Internal and above ground drainage, including blocks of flats, and
- Drainage within sites managed as a single entity – shopping malls etc.

There is a 2-month appeal mechanism should the property owners not wish their sewers to be adopted; however once they are adopted a process of divestment would have to be followed to reverse the adoption. The general presumption will be that sewers will have been adopted unless the Water Company is notified on an individual basis.



What to do

If there is a **blockage in a drain, lateral or sewer** after October 2011 the following questions may help to best decide who to contact to get the pipe cleared.



1. If the pipe that is blocked serves only your property and the blockage is on your land?

It is a drain; call a reputable drain clearing company that you either know, is in the telephone directory, is on the internet or the Council's nominated Contractor – MaiTec Drainage on 01892 613388 (Response time 4 hours).

Check charges and conditions before calling the company out to you and ensure that you are getting value for money by comparison with other companies.

2. If the pipe that is blocked serves only your property and the blockage is not on your land?

It is a lateral; call the Water Company to whom you pay your sewerage charges and there should not be a charge.

- **Southern Water** Tel. 0845 278 0845 for residents of Swanscombe, Betsham, New Barn (part), Southfleet (part) and Greenhithe (part)
- **Thames Water** Tel. 08459 200800 for residents in all other areas of the Borough.

3. If the pipe that is blocked serves more than one property?

It is a sewer; call the Water Company to whom you pay your sewerage charges and there should not be a charge (as (2) above).

- **Southern Water** Tel. 0845 278 0845 or
- **Thames Water** Tel. 08459 200800

If you are in a Council or private rented property or a housing association property it is advisable to check with your landlord that the sewers have been adopted by the Water Company.

For leasehold properties where there is a freeholder or where there is a management company the responsibility will depend on the terms of the lease or covenants in the deeds. It is advisable to check this first.

When **drains** have to be repaired the cost is borne by the owner/user of the drain. Depending on the terms of any buildings insurance the owner may have, they may be covered for most of any repair costs, it would be worth enquiring. If blockages are left unattended or drains are not repaired when they become defective the Council can use legal powers to ensure that a nuisance does not continue or that public health is not put at risk.

There are several pieces of legislation that can, and would be used, all involving the **service of Notice** on the owner of the defective/blocked drain. Each of these Notices will prescribe the action that has to be taken by the owner, the length of time being allowed for it to happen and give the power to the Council to do the work and recharge (including all its administration costs). Any unpaid accounts that remain after work has been done by the Council could result in the matter being taken to Court or a charge being assigned to the property to be paid later, with interest, when the property is sold.

Should a **lateral or adopted sewer** become defective telephone the Water Company as for a blockage. Any dispute regarding the work required to rectify the defect(s) will be for the owner and Water Company to resolve. Mediation in such a dispute will be through OFWAT and other water industry regulators.

Highway drainage – Gullies

A road gully is a chamber found alongside the kerb at the side of the road and is generally covered by a metal grating. It is used to collect surface water from the road. The responsibility for cleaning road gullies on the **public highway** belongs to Kent Highways Services: Tel 08458 247800. The same applies to the pipes leading from the gullies up to a connection with a public sewer. Where they do not connect to a sewer but discharge to a ditch or soakaway these too will generally be the responsibility of Kent Highways Services. If you drop something valuable, such as keys or mobile phone, into a gully Kent Highways Services can be asked to retrieve it, but a charge is likely. Check what the charge will be before instructing them to attend.



There are some gullies that are not in the public highway, such as parking and garage areas. In general the owners of the land in which the gully is situated will be responsible for its cleaning and maintenance – on some developments there may be an appointed management company that is responsible for maintaining communal areas, it would be worth checking that first before employing a drain clearing company.

Land drainage

Land drainage such as rivers and watercourses fall into two categories; main river and critical/ordinary watercourses.

Main Rivers are designated as such by the Environment Agency, who would control flooding, fisheries, discharges, conservation, etc of those rivers. The Environment Agency can be contacted on 08708 506506.

The Council has similar powers to the Environment Agency in respect of **critical/ordinary watercourses**. Often the owners of adjoining land (riparian owners) are responsible for ensuring that the flows in the watercourse are not impeded by overgrowth or other obstructions such as ornamental structures or filling in. The Council should be contacted if any such works are proposed. The Council has powers to serve Notice to ensure that any obstruction or impediment to the flow is removed.



Ground water

Ground water generally occurs naturally and does not normally cause problems to the land or property above it. Occasionally ground water can rise and appear at the surface or it can appear naturally. Unless something identifiable has happened to cause ground water to appear at the surface, the responsibility for dealing with the water would rest with the owner of the land on which the water has appeared.

Cesspools and septic tanks

Cesspools and septic tanks are generally found in more remote locations where public or mains drainage is not readily available. **Cesspools** are simply collection sumps for sewage from one or more properties. Cesspools need to be emptied on a regular basis to prevent overflowing and causing a nuisance or a risk to public health. **Septic tanks** provide primary treatment of sewage and normally discharge the treated effluent to the ground by way a series of land drains. Consent for installing septic tanks and cesspools must be obtained from the Environment Agency before the Council would consider accepting them.

The responsibility for the cleansing, servicing, repair and maintenance of septic tanks, cesspools and all pipework leading to or from them rests with the owners of the properties they serve, even if they are not situated in land owned by those owners.

If a cesspool needs emptying or a septic tank servicing call a reputable drain clearing company that you either know, is in the telephone directory, is on the internet or the Council's nominated contractor – MTS Cleansing Services on 01634 250326 (Response; 7 days).

Payment should be made by the person instructing the Contractor.

When repairs are necessary the cost is borne by the owners/users of the properties served by those sewers in proportion to the benefit derived from them not necessarily in proportion to the number of properties served. Depending on the terms of any buildings insurance you may have, you may be covered for most of any repair costs, it would be worth enquiring.

If a cesspool or septic tank is not emptied, serviced or maintained the Council can serve Notice on the owners of the defective/overflowing cesspool or septic tank. Each of these Notices will prescribe the action that has to be taken by the owners, the length of time being allowed for it to happen and give the power to the Council to do the work and charge (including all its administration costs) the owners. Any unpaid accounts that remain after work has been done by the Council could result in the matter being taken to Court or a charge being assigned to the property to be paid later, with interest, when the property is sold.

Contact directory, websites and telephone numbers

- **Dartford Borough Council** (*technical advice and enforcement*)
Website: www.dartford.gov.uk
Telephone: 01322 343434 (office hours) 08456 341212 (out of hours)
E-mail: drainage@dartford.gov.uk
- **Thames Water** (*public sewers and laterals*)
Website: www.thameswater.co.uk
Telephone: 08459 200800
- **Southern Water** (*public sewers and laterals*)
Website: www.southernwater.co.uk
Telephone: 0845 278 0845
- **Mai-Tec Drainage** (*suggested drain clearing company*)
Telephone: 01892 613388
- **MTS Cleansing Services** (*suggested cesspool emptying service*)
Telephone: 01634 250326
- **Environment Agency** (*main rivers and flood alerts*)
Website: www.environment-agency.gov.uk
Telephone: 08708 506506
- **Kent Highways Services** (*highway drainage*)
Website: www.kent.gov.uk/highways
Telephone: 08248 247800

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www.dartford.gov.uk/drainage

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