



**General Information  
Regarding  
Land Drainage  
Responsibilities**

Produced by

**Engineering Team**

Portland House  
Richmond Road  
Worthing  
West Sussex  
BN11 1HS

## **1.0 Introduction**

As a local authority Worthing Borough Council is invested with certain powers, under the Land Drainage Act 1991, generally relating to flood prevention, maintaining flows in watercourses and the making of byelaws.

The powers of local authorities are given principally in Sections 14 to 20, 25, 26 and 66 of the Land Drainage Act 1991 to undertake and / or control works in the land drainage systems located within that authority's boundaries.

These powers can be used to ensure that adequate maintenance and clearance works take place for all ordinary watercourses (see 2.0 Designations), drainage ditches and other systems taking land drainage.

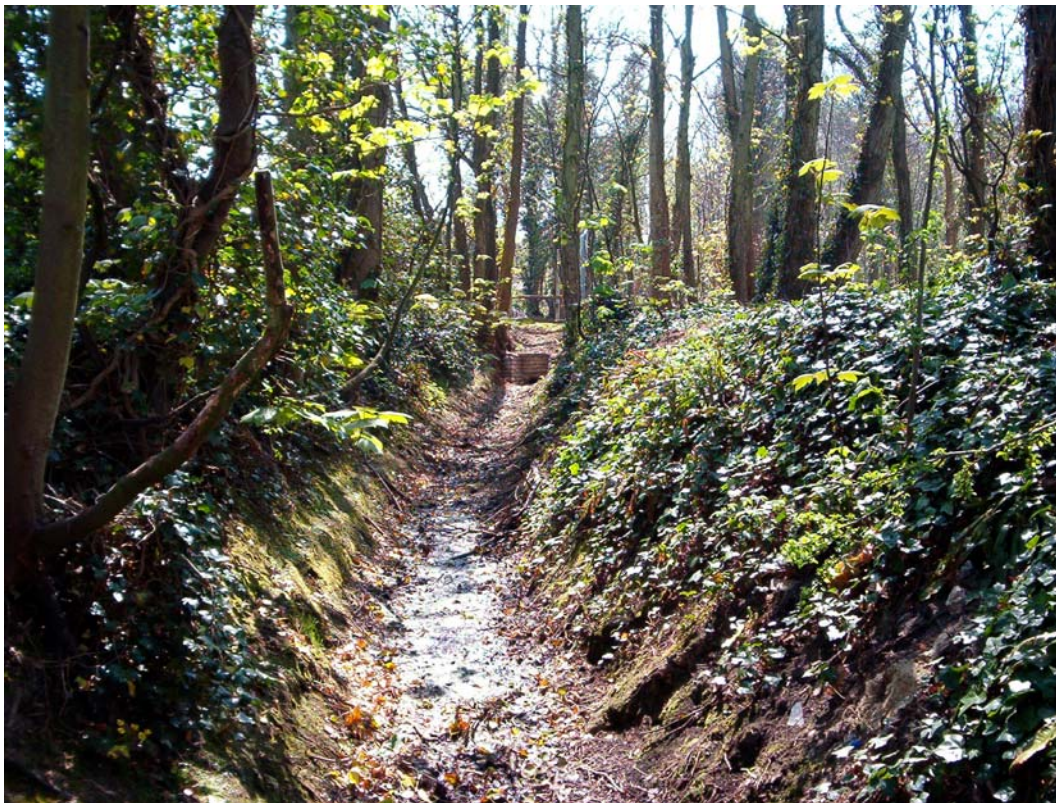
The main duties, rights and responsibilities of Worthing Borough Council arise from the following legislation:

|                       |      |
|-----------------------|------|
| The Public Health Act | 1936 |
| The Land Drainage Act | 1991 |

Other legislation which contributes to the responsibilities of Worthing Borough Council include the following:

|                              |      |
|------------------------------|------|
| The Local Government Act     | 1972 |
| The Control of Pollution Act | 1974 |
| The Water Act                | 1989 |
| The Water Resources Act      | 1991 |

In addition there are rights and responsibilities arising from riparian ownership of land drainage infrastructure (see 2.0 Designations) and situations where a "duty of care" exists.



**View of a well-maintained Ordinary Watercourse directing land drainage into the culvert visible in the background.**

## **2.0 Designations**

**Land Drainage:** The land drainage system deals with a large proportion of the water arising inland from rainfall and surface water run-off as well as spring water. The land drainage system incorporates rivers, watercourses, ditches, culverts, pipes, lakes and ponds.

**Riparian Owner:** Land located immediately adjacent to a drainage ditch, river or any other inland body of water is known as riparian land and the owners of such land, known as riparian owners have certain common law rights and responsibilities (see responsibilities of riparian owners).

**Main Rivers:** Main Rivers are watercourses designated as such on the Main River Maps held by the Environment Agency and are generally the larger, arterial watercourses. This designation is made by the Department for Environment, Food and Rural Affairs (DEFRA). The only length of designated Main River in Worthing is the length of the Ferring Rife located south of the A2032 Littlehampton Road, Goring.

**For a location plan indicating this length of Main River see Section 6.0.**

**Flood Storage Areas:** These are lakes and ponds that provide storage for land drainage and are spread throughout Worthing, the largest being Brooklands Lake.

There are currently eight designated Flood Storage Areas located within Worthing as follows:

|                          |                 |
|--------------------------|-----------------|
| Brooklands Lake          | East Worthing   |
| Ferring Pond             | Goring-by-Sea   |
| Longcroft Park (North)   | West Durrington |
| Longcroft Park (South)   | West Durrington |
| Northbrook Pond          | West Durrington |
| Northbrook College Pond  | West Durrington |
| Pond Lane Balancing Pond | Durrington      |
| Westlake Gardens         | West Tarring    |

The largest of these by far is Brooklands Lake located on the seafront at the eastern edge of the borough. The lake is fed by the Teville Stream and forms the final link in a strategic land and surface water drainage system which deals with approximately 30% of the Borough's drainage needs. In addition this facility handles a significant amount of drainage from the adjoining Adur District.

The lake is a balancing facility that acts as a *safety valve* providing a containment area within which excess floodwater occurring during severe storms or heavy rainfall can be stored. This storage capacity is essential since, during the tidal cycle the sea level often rises above that of the lake, preventing discharge to the sea.

An adjustable weir and three non-return valves at the southern end are used to control the level of the lake.



**View of the north end of Brooklands where the Teville Stream flows into the lake**

**Critical Ordinary Watercourses:** These are watercourses that have not been classified as Main River but which the Environment Agency and Worthing Borough Council have agreed are critical because they have the potential to put large numbers of people and property at risk from flooding.

Within its own boundaries, Worthing Borough Council currently manages these watercourses and is responsible for inspecting and monitoring their condition. However, in line with recommendations made following a recent government-led review carried out by DEFRA, the Environment Agency will take over responsibility for Critical Ordinary Watercourses in the near future.

There are currently two watercourses designated as Critical Ordinary Watercourses located within Worthing, and each is divided into subreaches as follows:

River Ditch / Teville Stream:

- Brooklands Valley Garden
- Dale Road / Water Treatment Works (culverted)
- Chesswood Allotments
- Railtrack Property
- Willowbrook Road
- Dominion Way (culverted)
- Deacon Way to Glaxo SmithKline

West Durrington, Area 7:

- North
- Central (including 5 culverted lengths and 1 length of twin pipe)

See the two drawings appended to this report for detailed locations of these Critical Ordinary Watercourses.



**View of the River Ditch / Teville Stream confluence.**

**The Teville Stream emerges from the twin pipes on the right to join the River Ditch and flow into the culvert visible on the left and southwards to Brooklands Lake.**

**Ordinary Watercourses:**

This category includes all the remaining land drainage systems within Worthing. These can be drainage ditches or pipes or culverts.

The majority, although not all, of Ordinary Watercourses for which Worthing Borough Council has responsibility are located in the following three areas and form a total length of approximately 2.0 km.

- Goring Gap
- West Durrington, Area 12
- East Worthing Gap

In addition to the above a small number of landowners have significant riparian responsibility for ordinary watercourses situated on their land. Railtrack, Glaxo SmithKline and Sompting Estates between themselves are responsible for approximately 3.5 km of watercourses within Worthing.



**View of an Ordinary Watercourse carrying land drainage from the outfall in the left foreground along the ditch to a sea outfall**

### **3.0 Land Drainage Responsibilities of Worthing Borough Council**

As stated in the introduction, Worthing Borough Council is responsible for preventing flooding within their area arising from poor maintenance the land drainage system (i.e. those watercourses not designated as main rivers).

As the local authority these responsibilities are covered in the Land Drainage Act 1991 (and also the 1994 supplement to this Act covering environmental issues) under the following sections summarised below:

- Section 17(1): Before commencing any works on the drainage system, consent from the Environment Agency must be gained. The work can be subject to any reasonable conditions imposed by the Environment Agency (Note; a local agreement is in place with the Environment Agency relinquishing the need to seek consent for “*general maintenance*” works).
- Section 17(5) Emergency works do not require consent from the Environment Agency although they must be informed, in writing, as soon as possible.
- Section 14(2) Powers exist for the Local Authority to maintain and improve existing ordinary watercourses and to construct new works (S.14(2) Land Drainage Act 1991).
- Section 14(3) The Local Authority may, if it wishes, carry out drainage works, other than on main rivers, ‘ for the benefit of its area, in lands outside that area’.
- Section 15 The Local Authority may carry out normal land drainage practice of spreading spoil on adjacent land while carrying out watercourse improvement works.
- Section 20 The Local Authority may undertake drainage work for any person at that persons expense.
- Section 25 Any Local Authority may serve notice on persons requiring them to carry out necessary works to maintain the flow of ordinary watercourses. However, the consent of the Environment Agency must be gained before a notice is served (Sections 17 and 26 apply).
- Section 60 Any Local Authority has the power to make contribution to the expenses of drainage work in their area.
- Section 14(4a) & Section 64 The Local Authority has necessary powers of entry to carry out drainage functions.
- Section 66 The Local Authority may make bylaws to secure the efficient working of the drainage system in its area. Schedule 5 to the Act gives further guidance.

The Local Authority also has powers set out in the Public Health Act 1936.

- Section 259 The Local Authority may deal with, as a statutory nuisance any watercourse pond or ditch which is foul or in such a state as to be prejudicial to health.
- Section 259 The Local Authority may deal with, as a statutory nuisance any watercourse (non-navigable) which is choked and silted so as to obstruct or impede the proper flow and thereby cause a nuisance or give rise to conditions prejudicial to health.
- Section 262 & Section 264 The Local Authority may require the culverting of a watercourse or require the repair and cleaning of a culvert.

Before exercising any of the powers contained in the Public Health Act 1936 relating to a watercourse within the Environment Agency’s jurisdiction, the Environment Agency must be consulted.

## **4.0 Responsibilities of Riparian Owners**

In the majority of cases the Borough Council owns the land adjacent to the ordinary watercourses and flood storage areas within the borough. However, in cases where private or corporate landowners hold the riparian responsibility, the Borough Council maintains a supervisory and advisory role.

A riparian owner has the following rights and responsibilities.

- The owner must exercise a duty of care in maintaining the drainage system.
- The owner can not make any alterations to the drainage system without consent from the local drainage board. (Section 23 Land Drainage Act 1991)
- Disputes regarding ditch maintenance between adjoining landowners can be taken to the Agricultural Land Tribunal (Section 28 through S.31 Land Drainage Act 1991)
- The owner must give access to land for maintenance of watercourses. Powers to enforce this are contained in (Section 64 Land Drainage Act 1991).
- There is no common law duty on the owner to clear a watercourse that becomes silted or obstructed through natural causes. However, under statute law, drainage authorities may require and enforce owners to carry out works under Land Drainage Act 1991. The owner is not responsible if other land floods as a consequence of the works.
- The owner has the right to the use of the water for domestic purposes, cattle or other purposes provided it does not interfere with the rights of other owners.
- The owner may use water for irrigation but not spray irrigation provided water is returned with no diminution other than from evaporation and absorption during irrigation and return is not delayed so as to injure the natural rights of downstream owners

## **5.0 Ditch Clearance – Before and After**



**A section of the River Ditch Critical Ordinary Watercourse prior to clearance.**



**The same section after mechanical clearance of silt and debris using an 18 tonne 360 Excavator. Note that silt has been deposited on the bank while man-made debris is taken off site for disposal.**

## **6.0 Location Plans of Critical Ordinary Watercourses**

The following drawings are appended to this report:

Critical Ordinary Watercourses - Area 7 West Durrington  
Critical Ordinary Watercourses - River Ditch / Teville Stream

Drg. No. 023/29208.005/001

Drg. No. 023/29208.005/002

(Critical Ordinary Watercourse designations as agreed with the Environment Agency)

Ferring Rife Main River – South of A2032 Littlehampton Road

Drg. No. 023/29208.005/003

(Main River designations as per Main River Maps)



Notes:

 Main River

| Description | By | Date |
|-------------|----|------|
|             |    |      |

**Worthing**  
BOROUGH COUNCIL

**PROPERTY SERVICES SECTION**

PORTLAND HOUSE, RICHMOND ROAD  
WORTHING - BN11 1HS  
TEL: 01903 239999  
FAX: 01903 233527  
WWW.WORTHING.GOV.UK

Ferring Rife  
Main River

South of  
A2032 Littlehampton Road

Scale: N.T.S. Date: APR 2003

Drawn by: ADW Checked by:

Drawing No: 023/29208.005/003

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Notes:



Critical Ordinary Watercourse

| Description | By | Date |
|-------------|----|------|
|             |    |      |
|             |    |      |

AMENDMENTS

**Worthing**  
BOROUGH COUNCIL

**PROPERTY SERVICES SECTION**

PORTLAND HOUSE, RICHMOND ROAD  
WORTHING BN11 1HS  
TEL: 01903 239999  
FAX: 01903 233027  
WWW.WORTHING.GOV.UK

**CRITICAL ORDINARY WATERCOURSES**  
**WEST DURRINGTON (AREA 7)**

|               |                |
|---------------|----------------|
| Scale: N.T.S. | Date: JAN 2003 |
| Drawn by: ADW | Checked by:    |

Drawing No: 023/29208.005/001

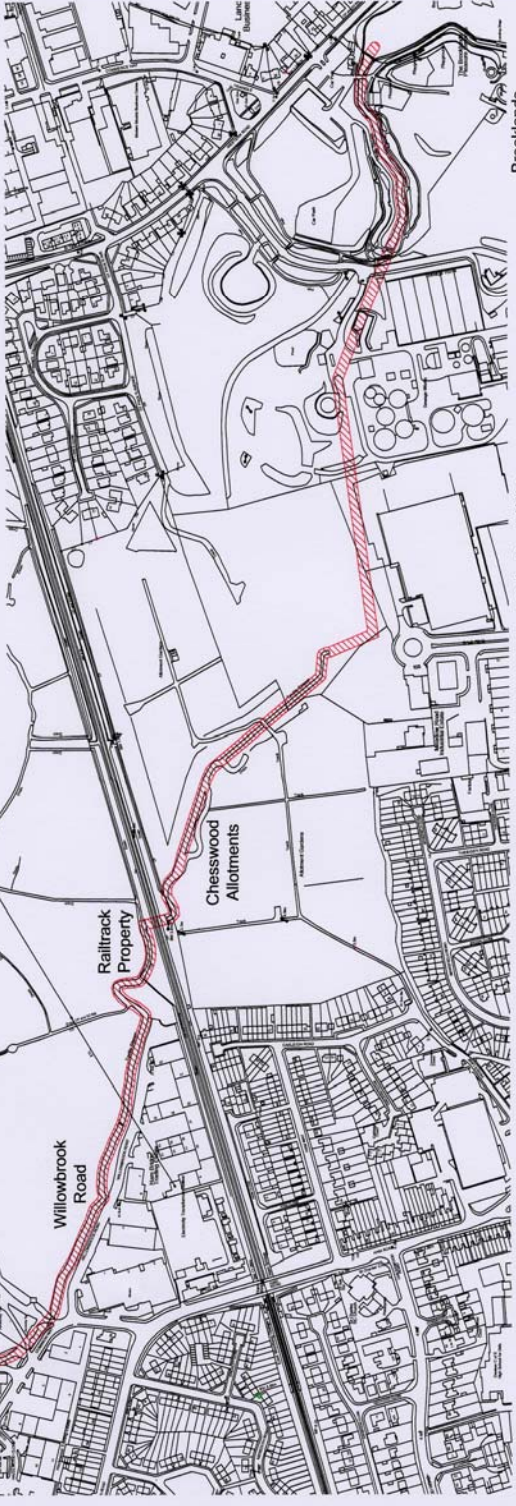


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Notes:

 Critical Ordinary Watercourse

| AMENDMENTS  |      |
|-------------|------|
| Description | By   |
|             | Date |



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PORTLAND HOUSE, RICHMOND ROAD  
WORTHING BN11 1HS  
TEL: 01903 239999  
FAX: 01903 233027  
WWW.WORTHING.GOV.UK

**CRITICAL ORDINARY WATERCOURSES**

**RIVER DITCH / TEVILLE STREAM**

Scale: N.T.S. Date: JAN 2003

Drawn by: ADW Checked by:

Drawing No: 023/29208.005/002

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