



Report to Cabinet

Subject **Severn Trent Water /Land Drainage**

Date **28th June 2006**

Author **Mr David Parton**

1. Purpose of the Report

To advise the Cabinet of Severn Trent Waters activities with regard to the status of the piped surface water systems and the possible impact on GBC.

2. Background

Severn Trent Water (STW) has written to GBC asserting that a number a piped water systems on the map, which are currently recorded as sewers, are in fact culverted watercourses. STW intend to change the statues of these systems on their sewer maps (which they are entitled to do without consultation).

STW's view appears to be based around the fact that before the urban development of Arnold took place watercourses flowed down the natural valleys.

However, when the area was developed and sewers built to drain the new urban infrastructure the collecting sewers both foul and surface water followed the valley line, this is a simple pre requisite of a gravity system of drainage.

As an integral part of this urban development the sewer systems were properly built, and recorded as public sewers by the Drainage Authority.

3. Impact

Whilst these lengths remain sewers and are recorded as such, they are the responsibility of STW to maintain. If any or all are re defined a watercourse and recorded as such the impact on GBC is as follows:

1. Where the watercourse is on land belonging to GBC, GBC is responsible for the upkeep and maintenance; one length includes a known flooding problem.
2. Where the watercourse is on private land, the landowner is responsible for the upkeep and maintenance; this will come as a huge surprise to those affected - they will have bought their properties on the understanding that it is a sewer which runs on their property (and therefore they have no financial obligations); if it is in fact a watercourse then they and their neighbours are all responsible for the maintenance. GBC in this case is responsible for enforcement, so if the landowners do not take action, it is incumbent upon GBC to take enforcement action.

If we were to challenge STW's judgement which gave rise to the matter being perused legally, the onus would be on GBC to prove that the piped water systems are sewers and not on STW to prove that they are watercourses. This would not be easy or cheap as the majority of the records relation to the systems were transferred to STW on the termination of the agency agreement and we may be forced to rely on our own research and public records.

4. Current Position

There is evidence to suggest that one short section of the system (Thackerays lane playing field to the A60), which is above ground, is and always has been maintained as a watercourse. And I would agree that this section has been incorrectly shown on STW's sewer map.

We have replied to STW indicating this and our disagreement with their opinion regarding the rest of the system, urging them to reconsider their position or at the very least consult with the affected properties.

Nottinghamshire County Council have experience of this and are currently pursuing legal action regarding a section of sewer outside our boundary. Recent publicity covering this action in the Evening Post also covered drainage in the Thackeries lane area of Arnold.

Nottinghamshire County Council Have also arranged to a meeting with 'VOICE' a water industry consumer/ mediation body to see if these disputes fall within their areas of influence and have invited us and Newark and Sherwood District Council to attend, and we have accepted.

7. Financial Implications

None at present

8. Recommendations

That the Cabinet note the above information.

A further report is brought forward when we have STW's response and the result of the joint meeting with GBC, NCC, NSDC and VOICE.

9. Wards Affected

All Wards