

## Langley with Hardley Parish Council

### Meeting of Full Council Tuesday 9 January 2024

**Item 14.** To discuss the issue of ditch flooding and agree on a course of action.

#### Background

The Parish Council has been asked by local residents to remedy the recurring issue of flooding near the entrance to High Barns in Langley Street, with recent reports highlighting the potential danger caused by water freezing across the road in cold weather. The Parish Council reported the issue to the Highways department and received the following reply;

Your enquiry ENQ900248449 received on 05/12/2023 13:06:06 regarding Highways Maintenance: Drainage & Flooding – Not Sewage has been updated.

New Status: This problem has already been reported and action identified to resolve the issue - It is likely that the defect was identified as part of our routine scheduled inspections and already prioritised for repair.

Any additional comments the Highways Officer has made relating to this enquiry will be displayed below:

We are aware of the blocked ditches at this location. The land owner will be contacted and asked to undertake maintenance to their ditches to improve drainage at this location. Unfortunately we are not able to respond to individual gritting requests, only routes on our gritting schedule / official routes can be gritted. Defect has already been identified and prioritised for repair

Location:

9 metres from LANGLEY STREET NORWICH

Extra Information:

Defect type:

Drainage and flooding : Blocked ditch

Other details:

From the Chairman of Langley with Hardley Parish Council:

A local resident has kindly reported the problem of ditches flooding onto the main road stating that the road over the last few mornings has been like a sheet of glass where the water has frozen on the road. The flooding is a danger to both car drivers and pedestrians using the road. Please can this section of road be gritted until the landowner finds a permanent solution.

To summarise, it is the view of Highways that the problem causing the flooding is that of the Landowner, which in this case is Langley Abbey Estates.

The Parish Council has written to Langley Abbey Estates for their view on the issue, and the reply given is that the advice given to Langley Abbey Estates is that drains that run under the public road are the responsibility of the highways dept.

#### Parish Councils in general – legal point of view

*The principal legislation as it affects local councils relating to ditches and drains is contained in the Public Health Act 1936, sections 259 and 2. A Local Council may attend to any pond, pool, ditch, gutter or place containing or used for the collection of any drainage, filth, stagnant water or matter*

*likely to be prejudicial to health. In that respect the local council may drain, cleanse or cover the pond, or otherwise prevent it from being prejudicial to health. No such works must, however, interfere with any private right, or with public drainage, sewerage or sewage disposal works.*

*Roadside ditches belong either to the Highway Authority or Landowner whose property fronts onto the Highway. It is a question of fact in each case. Under the s.100, Highways Act 1980, the Highway Authority has the power but not a duty to clean out roadside ditches. The first-tier tribunal has power to order the cleansing of ditches, etc under section 28 of the Land Drainage Act 1991. Except taken from The Clerk's Manual 2023, page 146.*

### **The issue**

The ditch is not poorly maintained, it is the drains blocking under the road that subsequently build up to block the ditch that then spills over onto the road that is causing the issue.

### **Next Steps**

A collaborative approach is required to address the current issue and mitigate the risk of future flooding. The Parish Council has a role to play in moving the discussions forward.

Langley Abbey Estates has given permission for the Clerk, on behalf of the Parish Council, to enter into a dialogue with the Highways Authority to seek a resolution to the issue.

### **Recommendation**

That Council agree for the Clerk to enter into a dialogue with the Highways Authority to seek a resolution.