

# 9

## HIGHWAY FLOODING: ROLES AND RESPONSIBILITIES



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## WHO ARE THE HIGHWAY AUTHORITIES IN OXFORDSHIRE?

**HIGHWAYS ENGLAND** deal with motorways and major roads such as the A43.

The **COUNTY COUNCIL (Oxfordshire Highways)** deal with the more local roads.

**Both these organisations are classed as flood risk management authorities.**

### **Highway Authority Responsibilities**

These organisations provide and manage highway drainage from the road network in England, under the Highways Act 1980. They must also ensure that road projects do not increase flood risk.

They maintain and repair the roads for which they have responsibility, which includes the drains that run beneath the road surface, as well as the roads and footpaths themselves.

### **Why do Highways Flood?**

Some of the things that can cause road flooding are:

- Blocked or collapsed gullies, pipes, sewers, culverts or ditches
- Inadequate drainage in the area due to the lie of the land
- Water running from private land onto the road (such as rainwater run-off)
- Overloaded drainage systems during severe storm events.

Road flooding may also affect private property if the water flows off the highway either indirectly or directly.

### **What is Highway Drainage?**

 Highway drainage systems are designed to manage the rainwater that lands on the highway, both to prevent flooding and to protect the road surface. They can include a wide variety of features including:

- Roadside drains and channels/gullies
- Shallow channels that convey water off the road into a drainage ditch (known as 'grips' or 'letts')
- Ponds and lagoons
- Pumping stations
- Inspection chambers and manholes

- Underground pipes/culverts
- Soakaways and soakage ditches
- Sustainable Drainage System measures, such as 'swales'

Highway drainage is usually the responsibility of the relevant Highway Authority, but sometimes drainage may be specifically adopted by another relevant authority (such as an Internal Drainage Board, District Council or a 'sewerage undertaker' such as Thames Water).

### **What is a Culvert?**

A culvert is a structure, in the form of a tunnel or pipe, that allows a watercourse to flow under a road, railway or similar feature.

### **Maintenance of Culverts**

Water cannot flow through blocked or damaged culverts, and so may back up and cause flooding above ground. Larger culverts may have 'trash screens' across the openings, to prevent things like tree branches getting stuck inside, as well as preventing anyone from entering. These screens can become blocked by debris over time and so need clearing regularly.

### **Ownership of Culverts**

Responsibility for the maintenance of any culverted watercourse usually lies with the 'riparian owner' (see leaflet 15 of this series for more details on this subject: <https://www.oxfordshirefloodtoolkit.com/guides/riparian-responsibilities/>). However, some culverts under roads may be the responsibility of the relevant Highway Authority, or other body, for historic reasons. It should be noted that, there generally exists no duty on the Highway Authority to adopt culverts.

Where the ownership of a watercourse culvert cannot be established, then it is assumed to be the responsibility of the riparian owner.

Many private companies have rights to place other types of culvert in the highway, carrying pipes or cables, for example. These culverts generally remain the responsibility of the owner.

The County Council maintains an inventory of culverts in or under the public highway, together with ownership details.

### **Roadside Ditches**

The owners of land next to a highway have a legal responsibility to maintain ditches to prevent them causing a nuisance to road users.

More information on this subject can be found in leaflet 2, 'Ditch Clearance', and leaflet 15, 'Riparian Ownership and Flood Risk':

<https://www.oxfordshirefloodtoolkit.com/guides/ditch-clearance/>;

<https://www.oxfordshirefloodtoolkit.com/guides/riparian-responsibilities/>

## Further Information and Contacts

Oxfordshire Highways

<http://www.oxfordshire.gov.uk/cms/public-site/highway-maintenance>

To report flooding on a road, use this link:

<https://www.oxfordshire.gov.uk/cms/content/drainage-and-flooding-roads>

Highways Agency - a map of the major roads dealt with by the Highways Agency can be found here:

[http://www.highways.gov.uk/wp-content/uploads/2012/07/Highways\\_Agency\\_Network\\_Map\\_-\\_November\\_2011.gif?9d7bd4](http://www.highways.gov.uk/wp-content/uploads/2012/07/Highways_Agency_Network_Map_-_November_2011.gif?9d7bd4)

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This leaflet is not intended to be a complete statement of the law. Landowners should always bear in mind that their rights may be affected by their duties to other landowners, to the rest of the community and to the environment.



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