

Report to: Scrutiny Committee
Report of: Michael Woods, Major Works Project Manager
Directorate: Property and Assets
Date: 19th March 2026
Title: Response to Scrutiny Committee, Watercourses and Ditches

1. *Clarity about whose responsibility it is and exactly in which sections of different brooks and streams this responsibility is the Council's.*

If a Local Authority owns land that adjoins, is above, or includes a watercourse (brooks, streams, ditches, and rivers), it is a Riparian Owner. Riparian Ownership rules and duties are governed by the Land Drainage Act 1991. Duties include:

- Maintaining flow
- Maintaining structures
- Preventing pollution

The Council has land ownership records for its titles and holdings. Queries on a case-by-case basis should be made through the Member's Enquiry Form. The Council does not hold records for land that it does not own.

Historically the Environment Agency (EA) typically monitored and maintained ditches above and beyond their statutory responsibilities to support riparian responsibilities, however funding cuts in recent years have meant this no longer happens.

2. *Assuming in places that it is the council's responsibility, do we have the equipment and staff training to get in these waterways to keep them clear?*

Due to the above cuts to EA funding, OCC have identified the need to implement a maintenance plan for ditches and watercourses. Asset information in this area was limited and OCC has undertaken various programmes of asset capture and condition surveys over the last couple of years.

The next phase of this programme is now underway looking specifically at ditches the expected outcome of this will be a maintenance plan to be delivered by ODS. We expect for this to be in place for September 2026.

To date, any required works to ditches have been delivered ad-hoc (reactive repair) by ODS. It is also intended that ODS will deliver the maintenance plan once developed and we are confident that ODS have the capability to self-deliver less complex/significant work. Complex work that requires detailed design will be procured as part of the appropriate procurement process. Examples of complex work would be reprofiling, or installing new drainage infrastructure.

3. *That there is a section of a budget and an ongoing schedule as to how often these brooks and streams are cleared.*

Depending on the scope and complexity of these works, it is anticipated that the majority of works output from the ditches survey will be funded through the capital programme to bring the ditches to a functional standard.

Revenue costs will be identified through the ditch survey. On return of the upcoming ditches surveys, a proposal will be submitted for consideration in the 2027-2028 budget. There is a budget provision of £500,000 within the 26/27 waterways budget for any urgent works that are identified from the ditch survey.

4. *Some of these waterways are clearly habitats or potential habitats that might meet our ambitions for environmental diversity. What are we doing about that?*

Whilst ditches are considered to be drainage infrastructure and not natural watercourses, given the location of ditches, it is quite likely that works to ditches could impact natural habitat.

Full consideration to biodiversity and ecology will be taken when developing a specification for recommended works. The council will consider legislation, professional advice from ecologists, and council policy when making decisions.

Property Services are actively recruiting a Ecology Officer in order to improve on this area in future, this was agreed in the recent budget round.

Site specific management plans will be developed by the newly recruited Ecology Officer where appropriate. This will cover green space sites including those with ditches and watercourses.

5. *In some places we are no doubt working with voluntary groups such as with the brook in Lye Valley, how is that going and how can that be developed in places where there are no such community environmental groups?*

The council works with a network of Friends groups, across the City to support green space management. ODS also have specialist skillsets through their Parks and Countryside service, and both organisations support and encourage volunteering activities.

We recognise that volunteer groups are a valuable resource in supporting park maintenance, and the knowledge and volunteering activities across the city have proven to positively influence biodiversity considerations and management plans.

The Lye Valley has offered great benefit for the restoration and ongoing management of the site and appears to be doing well. Identifying the appropriate tasks and activities for volunteer groups to engage with green spaces remains a challenge, and the recruitment of an Ecology Officer to identify suitable volunteering tasks is one of the objectives for the green space team.

6. How is the council engaging with other landowners who might similarly have responsibility over brooks running beside their land but might not have the expertise or equipment to do anything about them?

The City Council is a landowner and a Risk Management Authority; however it is not the Lead Local Flood Authority (LLFA). Under the Flood and Water Management Act 2010, the County Council has strategic oversight for local flood risk, and their statutory duties include strategy, and asset register.

The City Council's Environmental Sustainability team assume responsibility for consenting, investigation and enforcement on behalf of County under an agency agreement. They also respond as such to any contraventions of the Land Drainage Act and when required through an agreed process with the LLFA.

As the city council's statutory powers and responsibilities are limited, there is currently little engagement with neighbouring landowners.

7. In terms of the Flooding Action Plans, is the council clear of its responsibilities and that work is being done. Having seen the Flooding Action Plan relating to Lobelia Rd and Northfield Brook and the recommendations, none of these recommendations have so far been implemented. Are we clear what falls to us and if it falls to other organisations such as the County, what are we doing to move this forward?

A Flooding Action Plan has not been carried out to Lobelia Road and Northfield Brook. The question refers to a Section 19 (Land Drainage Act) report which was completed by the city council on behalf of the County Council as LLFA.

A Section 19 report investigates the causes of flooding and provides recommendations to potentially manage the flood risk. It does not however commit to delivering or funding these recommendations.

As a result of the Section 19 report, the county council have agreed to fund some mitigation measures as part of their priority actions scheme. Feasibility is currently ongoing, at present several of the potential recommendations within the report have been ruled out as unfeasible, and further options are being explored within feasibility. The city council is collaborating with the county council to seek a resolution to this matter.

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