

**POLICY:** Adoption & Abandonment of Watercourse Policy  
**BOARD APPROVED:** 11<sup>th</sup> December 2014  
**REVIEWED BY:** E.M. Johnson  
**POSITION:** Chief Engineer  
**DATE REVIEWED:** 1<sup>st</sup> April 2024  
**NEXT REVIEW DATE:** 1<sup>st</sup> April 2027



## 1. Introduction

Under Section 14 of the Land Drainage Act the Board has powers to maintain, improve and construct new works for the purpose of securing the drainage of land. These powers are “permissive” and there is no obligation upon the Board to adopt a particular watercourse.

The Board has adopted those watercourses most critical to drainage of the District to ensure they are managed to an acceptable standard. This typically includes those watercourses that serve the most landowners and property.

Circumstances may arise where it is no longer necessary for the Board to maintain a watercourse and therefore it can be abandoned. This could occur where land previously under multiple occupancy becomes under single ownership, or the original purpose of the watercourse is no longer relevant e.g. due to improvements elsewhere.

Where the Board owns land in connection with a watercourse it may abandon that watercourse if it no longer meets the requirements for adoption as part of the Board maintained drainage network but the Board’s liabilities as land owner will continue unless the land is sold or transferred to a new owner.

There is no clearly defined set of rules or guidance within the Act for determining those watercourses that should be adopted or abandoned and each should be judged on its own merits. It should be noted that adoption of a watercourse should not be used to resolve drainage issues that could be dealt with by normal negotiation or enforcement methods.

When adopting a watercourse, it will not be possible to retrospectively apply the Byelaws. For example, action could not be taken in respect to buildings within the 9m byelaw distance constructed before a watercourse is adopted (any of which should be recorded at the time of adoption).

## 2. Watercourse Adoption and Abandonment Procedure

When considering the adoption or abandonment of watercourses the following factors will be taken into consideration:

- Does the watercourse cater for more than one owner or occupier
- Is the watercourse a critical drainage path
- Is there a history of drainage or flooding problems
- Are there issues surrounding the maintenance of the watercourse
- Would regular maintenance prevent drainage or flooding problems
- Does the watercourse need significant investment to bring it up to I.D.B standards

Each potential adoption will be judged on its individual merits. If adoption requires improvement of the watercourse, the benefits should outweigh the costs.

The criteria for judging the benefits will vary between watercourses, when considering the adoption of a watercourse for the benefit of development, any improvement costs should be borne by the developer.

If a watercourse no longer fulfils the above criteria, then it should be considered for abandonment.

All locations to be considered for adoption or abandonment must be approved by the Board and a record held in the meeting minutes.