

Cork County Council - Road Drainage

Draft Policy on Road Drainage

**Approved by Roads & Transportation SPC on 12th
September 2016**

1. Introduction and Scope of Policy

The Roads & Transportation SPC agreed to develop a countywide policy for road drainage.

Issues include maintenance of roadside drains and control of water both draining on to and being allowed drain from public roads.

This Document outlines the legislation governing road drainage, together with policy objectives and recommendations, to address some of the issues.

2. Legislation governing Road Drainage

Section 76 of the Roads Act 1993 gives wide powers to Road Authorities to ensure adequate drainage of public roads. **See attached Appendices:**

- A. Section 76 of Roads Act 1993
- B. Guidance Notes on Section 76 of Roads Act 1993
- C. Extract from Landowners and the Roads Act – A Guide

In summary, Section 76 of the Roads Act 1993 allows a Road Authority to do the following:

- To construct and maintain drains in, on, under, through or to any land for the purpose of draining water from, or preventing water flowing onto a public road.
- To use land for the temporary storage of materials.
- To take immediate action in an emergency (in normal circumstances, notice must be served on landowners / occupiers).
- To ensure that any drain within 15 metres of the edge of a public road is not scoured, deepened, widened, filled or excavated without its consent (which may be subject to conditions).
- To seek remedial works where a landowner allows water, soil or other material to fall onto the public road from his / her land.

3. Policy Objectives

- Water on public roads should be minimised.
- Efforts should be made to prevent flooding and ponding on the public road, so as to avoid erosion and weakening the structure of the public road.

4. Recommendations

- a) The annual Road Works Programme for each Municipal District to include a Drainage Maintenance Programme. These Programmes, together with Progress Reports to be presented to the relevant Municipal District Committees. The extent of the annual drainage maintenance programme will be determined by the resources available.
- b) Where the Council becomes aware of road drainage issues, it will endeavour to investigate and pursue the matter using its powers under Section 76 of the Roads Act 1993, where considered appropriate and reasonable. In considering this, due to resource constraints, cognizance must be taken of the provision in Section 76 of the Roads Act 1993, where compensation may be payable to landowners / occupiers in certain circumstances, where the Council enters on their lands.
- c) Where the Council becomes aware that there is non-compliance with planning conditions relating to road drainage, it will endeavour to pursue this through planning enforcement.
- d) Council to undertake a Communications / Public Awareness campaign:
 - (i) highlighting hazards which surface water on the public road creates for motorists, cyclists and pedestrians, e.g. aquaplaning, and
 - (ii) publicise the duties and responsibilities of landowners / occupiers in relation to road drainage, under Section 76 of the Roads Act 1993, and the consequences for non-compliance.
 - (iii) Involve RSA in publicity campaign.
- e) Prepare a 'Best Practice' Guidance document and publish on the Council's website.

5. Review of Policy

The Policy to be reviewed in 2 years.