

Flooding responsibility explained



Responsibilities around flooding can be complicated as a number of agencies have responsibility for dealing with different aspects of flooding in Scotland.

All organisations are placed under a duty to work together to reduce overall flood risk by the Flood Risk Management (Scotland) Act 2009.

Conventional urban drainage systems are made up of a complex network of sewer pipes, overflows, gullies, burns and culverts (covered watercourses). Ownership and duties are split between various agencies and landowners.

The complex nature of flooding, with many agencies responsible for different aspects of sewer and drainage systems in communities, means that a partnership approach is needed to tackle this serious problem.

This factsheet provides you with information on:

- Who is responsible
- Sewer Operation
- Sewer Flooding
- Surface Water Flooding
- What we can do
- What we can't do
- Responsibility and Liability
- Insurance and Compensation

1 Who is responsible?

Property owners are responsible for:

- Protecting their property from flooding.
- Acquiring appropriate home contents and buildings insurance.
- Taking action to prepare for flooding.
- Maintaining internal pipework and private drains that remove the waste water from their property (for example, from toilets, sinks and gutters and downpipes). More information about responsibility around private drains can be found in our booklet '[Guide to drains and sewers](#)'.

Scottish Water are responsible for:

- Removing foul drainage and the drainage of rainwater from roofs and paved areas from within the curtilage of premises on connection to the public sewer.
- Operation of public foul and combined sewers and the public waste water network.
- Managing problems caused by sewers either flooding or becoming restricted due to chokes or collapses.

Local Authorities are responsible for:

- Producing and implementing Scotland's Local Flood Management Plans and Surface Water Management Plans.
- Drainage of local roads and public highways.
- Managing flood risk from all sources e.g. coastal, river and surface water flooding.
- Providing flood defences and maintaining watercourses.
- Ensuring road gullies are operational.
- Dealing with road closures in the event of flooding (except trunk roads).
- Co-ordinating reception centres for people evacuated from their homes and arrange temporary accommodation if appropriate.
- Working with the police, fire and rescue services in response to severe flooding.



The Scottish Government are responsible for:

- Motorway and major trunk roads drainage through Transport Scotland.
- National policy on planning, flood prevention and flood warning.

Scottish Environment Protection Agency (SEPA) are responsible for:

- Providing flooding advice and flood warnings that can be found on their website www.sepa.org.uk/flooding
- Providing flood risk advice to land use planning in Scotland when requested.
- Producing and publishing Scotland’s Flood Risk Maps.

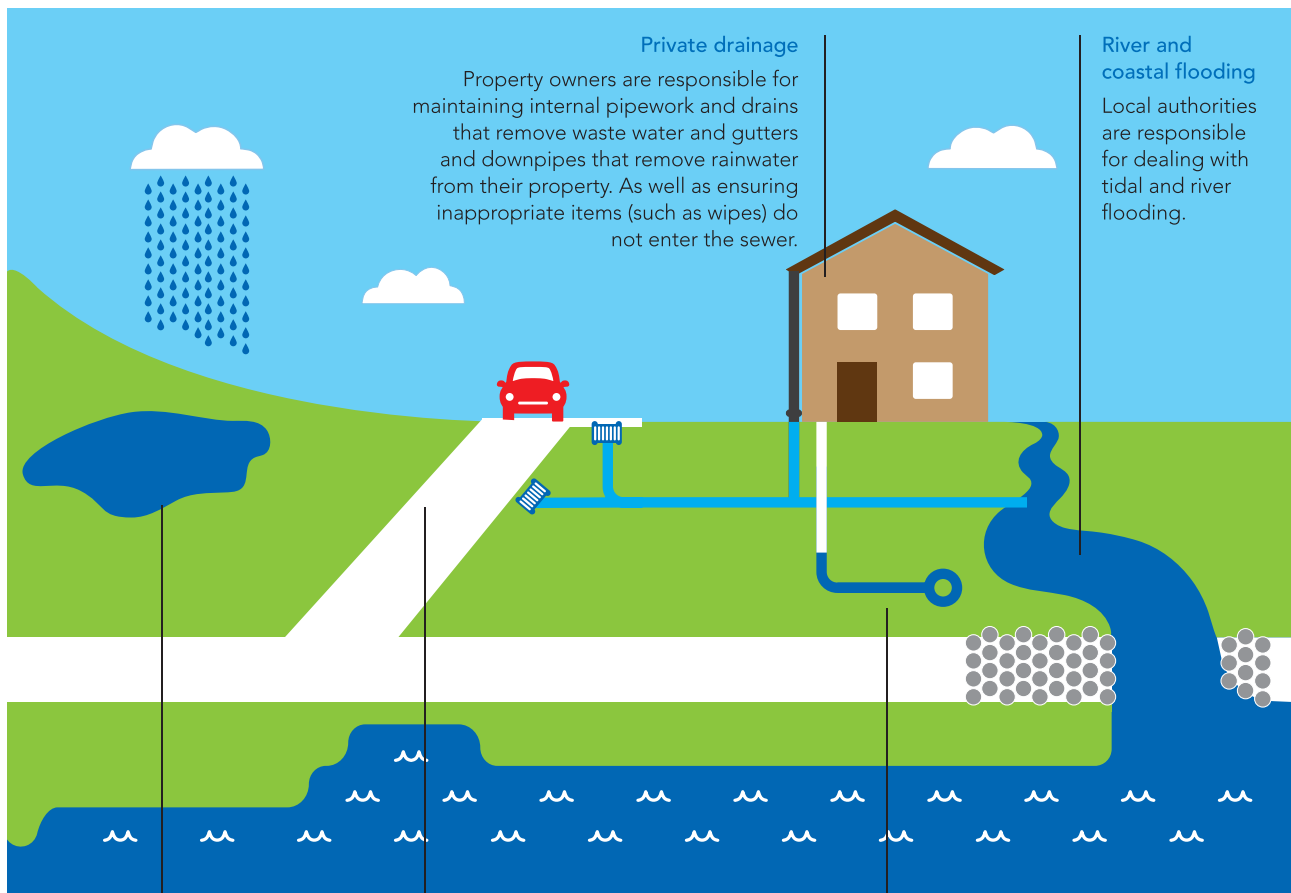
2 Sewer operation

The sewage system in Scotland is, for the most part, a combined system – draining both sewage from properties and surface water from within the curtilage of premises on connection to the public sewer. Although roads drainage is the responsibility of the local authority, historically many road drains have been connected to our combined sewers. Our sewer networks contain storm overflows which allow excess storm water to spill in a controlled manner from the sewerage system into watercourses in the event of prolonged or heavy rainfall.

3 Sewer flooding

Sewer flooding can be caused when a drain or sewer becomes full due to heavy rainfall and overflows either inside a property or outside in the garden, street or other public areas. Drains and sewers can also become full when something blocks them and they become choked, restricting normal operating flows.

Flooding responsibility diagram



Private drainage

Property owners are responsible for maintaining internal pipework and drains that remove waste water and gutters and downpipes that remove rainwater from their property. As well as ensuring inappropriate items (such as wipes) do not enter the sewer.

River and coastal flooding

Local authorities are responsible for dealing with tidal and river flooding.

Surface water

The removal of surface water or ground water is normally the responsibility of the owner of the land at the source of the problem or the local council if it is public land.

Road drainage

Surface water flooding (not waste water) in road gullies is usually the responsibility of the Local Authority.
Motorway and major trunk road drainage is the responsibility of Transport Scotland.

Public sewers

Scottish Water is responsible for the operation of the public sewer network which includes foul, combined and surface water sewers.



4 Surface water flooding

Surface water flooding is a result of rainfall run-off flowing or ponding over the ground. The sewers and drains will be working, but may not always cope with the volume or intensity of rain. There may be sewer or surface water flooding in localised/high risk areas where capacities are exceeded.

With increasing urbanisation (including more paved areas) and more intense storms from changing climate patterns, many combined sewers are unable to cope with increasing volumes of surface water.

5 What we can do

If your home has been flooded as a result of waste water from our sewers, Scottish Water will carry out a clean-up of your property. This will include: removing excess liquid, removing any sewage debris or faecal contamination, leaving the area to dry and applying a disinfectant. We won't normally be able to replace garden stones or chips, however we will clean them if required. If there isn't access to flooded areas, it is your responsibility to provide access for us to carry out the clean-up. If flooding is caused by a blockage in a public sewer, Scottish Water will clear the blockage. If severe weather has caused waste water to overflow, Scottish Water will attend to clean up and investigate further. If Scottish Water establish that a lack of capacity in the sewerage system caused the flooding, we will investigate the potential to provide a solution to reduce the risk of recurrence where appropriate.

It's important to note that while we may offer support and additional service in many instances of sewer flooding, we do so as a goodwill gesture and it is very much dependent of the individual circumstances of the event.

6 What we can't do

Scottish Water is continually investing in our infrastructure to reduce the risk of sewer flooding. While these flood interventions will reduce the risk of flooding from the sewer, we cannot guarantee this will eliminate the possibility of surface water flooding.

Each sewer flooding event is investigated to determine the cause. Compensation for damage caused by sewer flooding will only be paid in circumstances where Scottish Water has been found to be liable. Liability will depend upon whether or not Scottish Water has been negligent and not when the flooding is caused by incidents outwith its control e.g. severe weather events.

7 Responsibility and liability

Although the sewer is the responsibility of Scottish Water, Scottish Water has little control over what goes into the sewer. As such the vast majority of blockages are caused by inappropriate items or unforeseen events. Under such circumstances, Scottish Water is not liable for damage.

Likewise severe rainfall events are outwith the control of Scottish Water, therefore Scottish Water will not be liable for any damage caused.



8 Insurance and compensation

We would always advise our customers initially to contact their insurance company in the first instance if cover is in place for such an event, and there are a number of reasons for this:

- Your own insurance company will not normally need to establish liability before proceeding with your claim, which means work can start quickly to restore your home. Scottish Water does have to establish liability before any compensation can be considered, which can take longer.
- Most insurance companies will normally replace or settle on a new for old basis. Scottish Water will always deduct the depreciation of an item from any settlement (assuming Scottish Water is liable).
- Your insurance company may choose to claim against Scottish Water to recover costs if they believe we are liable. A successful recovery by your insurer may not affect your premiums. However, this is at the discretion of your insurer and we would encourage customers to check their policy.

Please note that a failure to notify your insurance company of any flooding may jeopardise any future claims.

If the flooding has been identified as “private” and beyond responsibility of Scottish Water, we would recommend contacting a licensed plumber or your landlord/council if the property is rented.




We want to make it easy to contact us – here’s how:

We always have someone here to take your call, you can write to us or alternatively you can contact us through our website.

Alternative formats of this leaflet can be made available free of charge. For information on Braille, large print, audio and a variety of languages, please contact us.

If you have a disability, medical condition or other reason where you will need additional assistance from Scottish Water then please contact us and we can add your name, address and requirements to our confidential Priority Services Register.

We record all calls for quality and training purposes.

-  www.scottishwater.co.uk
-  help@scottishwater.co.uk
-  facebook.com/scottishwater
-  [@scottish_water](https://twitter.com/scottish_water)
-  Customer Helpline **0800 0778778**

Please quote this reference code when contacting us: **SWFact 13 09/20**