

Kirklees Council

Highways Guidance Note – Highways, SuDS, and Private Drainage March 2019 (version 1)

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This guidance note

Introduction

1 This guidance note gives an overview of Kirklees Council's criteria for the adoption of roads and paths on new developments that contain 'sustainable drainage systems' (SuDS) or private drainage systems.

2 This guidance note has been written mainly to help developers, but it will also be used by highways teams within Kirklees Council.

Implementation

3 This guidance note applies to all applications for technical review submitted on or after 1 April 2019.

Background

SuDS

4 Most new developments will require some form of surface water drainage. In addition, the planning permission for most developments will be subject to conditions that regulate the amount, rate, or quality of any surface water run-off from the site. To comply with such conditions, most developments will contain some sort of SuDS.

SuDS features

5 SuDS can contain a variety of different features to dispose of water within the site, to restrict the rate of run-off, or to improve the quality of run-off. These include:

- Permeable pavements
- Swales
- Attenuation tanks

- Detention ponds
- Soakaways
- Infiltration basins
- Reed beds
- Constructed wetlands

Adoption of SuDS by Yorkshire Water

6 Yorkshire Water, the local sewerage undertaker for Kirklees, will usually adopt 'conventional' piped drainage systems. However, currently, they do not usually adopt above-ground or 'green' SuDS features, such as swales, ponds, reed beds, or constructed wetlands. Neither will they usually adopt soakaways.

7 Where the run-off from a development goes to an unadopted SuDS feature, Yorkshire Water will not usually adopt the upstream piped system.

8 A proposed new edition of *Sewers for Adoption*, which covers adoptable SuDS features, has been published. This has not yet come into force but, at the time of writing, it is anticipated that it will do so in mid-2019. If it does come into force, then Yorkshire Water will probably start to adopt some SuDS features.

Adoption of SuDS by Kirklees Council

9 Kirklees Council's policy as the lead local flood authority is not to adopt SuDS features that accept general surface water.

Adoption of SuDS as highway drainage

10 Kirklees Council, as the local highway authority, will usually adopt highway drainage. Accordingly, where SuDS features exclusively drain the highway, the council would consider adopting them as part of the publicly maintainable highway, but this would be on a case-by-case basis.

11 Developers considering proposals that would require Kirklees Council to adopt a SuDS feature should discuss them with the council's highway adoptions team as soon as practicable.

Commuted sums

12 Where Kirklees Council agreed to adopt any SuDS features, the payment of a commuted sum to cover the council's management and maintenance costs would usually be required.

13 Kirklees Council calculates commuted sums using guidance issued by the Association of Directors of Environment, Economy, Planning, and Transport (ADEPT). See *Commuted Sums for the*

Relief of Maintenance and Reconstruction of Bridges.

14 For more information about commuted sums, please contact the highway adoptions team.

Private drains in publicly maintainable highways

15 Although Yorkshire Water may adopt drains in private roads or paths as public sewers, it is more problematic for Kirklees Council to adopt roads or paths as publicly maintainable highways if they contain private drains.

Private apparatus and 'street works licences'

16 It is illegal to install private apparatus in a publicly maintainable highway in Kirklees without a 'street works licence' issued by Kirklees Council under [section 50](#) of the [New Roads and Street Works Act 1991](#). The council may attach conditions to street works licences, for example to require that the apparatus is maintained. If the conditions were not complied with and the highway suffered as a consequence, the council could then revoke the licence and remove the apparatus.

Long-term care of private drains

17 Revoking a street works licence and removing the apparatus would not be a realistic option for poorly maintained private drains. Accordingly, Kirklees Council would require robust arrangements to secure the necessary long-term care of any private drains installed in a publicly maintainable highway.

Long-term care of private facilities and section 106 planning obligations

Section 106 planning obligations

18 Planning obligations made under [section 106](#) of the [Town and Country Planning Act 1990](#) can be used during the planning process to address specific likely impacts of proposed developments by imposing legally enforceable obligations on a development. They can be made either by agreement between the council, as the local planning authority, and the developer or by the developer acting on its own.

19 Section 106 planning obligations are usually signed by the developer, but they are attached to the land being developed. This means that any future owners of the land would have to comply with them, even if they did not sign them. As they are registered as local land charges, they should show up during local authority searches.

20 As planning obligations are usually more effective when they are agreed between the developer and the council, they are often called section 106 agreements.

Long-term care of infrastructure and amenities

21 Section 106 planning obligations may be written to require property owners to provide and then manage and maintain infrastructure or amenities. They may also require property owners to pay for any necessary works and then allow the council to step in if the right works are not done at the right time and to recover the resulting expenses from the property owners. For this reason, they are widely used to safeguard the necessary long-term care of facilities that are not adopted by the council or some other responsible body.

Kirklees Council's requirements

22 Where Kirklees Council would not adopt a road or path as publicly maintainable highway unless a section 106 planning obligation was in place to secure the long-term care of a particular facility, the planning obligation should:

- be legally attached to the properties that would benefit from the facility so that it would transfer to the new owners when properties are sold

- require the developer to provide and retain the facility
- require the developer to pay a bond to the council which could then be used to pay for the provision of the facility should the developer fail to provide it
- allow the council to inspect or test the facility
- include suitable plans for the required management and maintenance of the facility
- require the property owners to manage and maintain the facility
- require the property owners to pay for the required maintenance and management of the facility
- allow the council to audit compliance with the management and maintenance plans
- allow the council to undertake any work necessary to make up for any deficiencies in the way the facility is managed or maintained and recover any costs incurred from the property owners

Highways and private drainage

General

23 The following features, which are discussed in more detail below, can be problematic:

- The discharge of highway drains into private drainage systems
- The discharge of private drains into highway drains
- Private paved areas adjoining publicly maintainable highways
- Private drainage apparatus in publicly maintainable highways
- High-risk private drainage features near publicly maintainable highways

24 Any developers considering including any of the above in their developments should discuss their proposals with Kirklees Council's highway adoptions team as soon as practicable.

Discharge of highway drains into private drainage systems

25 As the local highway authority, Kirklees Council needs to be certain that, if it adopted a road, it would be able to drain it. Apart from the usual apparatus within the highway, this means that there must be somewhere for the water to go to once it leaves the highway drains and a guarantee that this would always be available. Usually, this is achieved by connecting the highway drainage to either a public sewer or an outfall into a watercourse.

26 In general, publicly maintainable highways may not drain into private drainage systems. In exceptional circumstances, Kirklees Council might agree to a publicly maintainable highway drain discharging into a private drain. However, before agreeing to this, the council would have to be certain that it would have the continuing right to discharge the water and that the private system would be maintained. Accordingly, Kirklees Council would require a section 106 planning obligation to

guarantee the continuing right of discharge and secure the long-term maintenance and management of the private system.

Run-off from highway surfaces

27 In general, Kirklees Council would not adopt any road or path where the surface run-off would flow onto a private area.

Discharge of private drains into highway drains

28 In general, Kirklees Council will not adopt as a highway drain any road or path drainage that received the discharge from a private drain.

Private paved areas adjacent to publicly maintainable highways

General

29 Surface run-off from private areas, including roofs, may not drain onto any part of the publicly maintainable highway.

30 Where private drives or other paved areas adjoining a publicly maintainable highway would cast towards that highway, suitable linear interceptor drains would be required along the private side of the boundary, even if the private surfaces were permeable. Permeable surfaces would only work if they were maintained and cleaned regularly.

31 Kirklees Council will not adopt linear interceptor drains provided to prevent flows from private areas entering the highway.

Private permeable surfaces

32 Road pavements can rapidly deteriorate if water is allowed into the subbase or subgrade. Kirklees Council does not usually require the sub-surface drainage of road pavements. However, it would be unacceptable for water to be deliberately introduced into sub-surface layers. Accordingly, where private areas near roads are surfaced with permeable paving, measures shall be taken to prevent water that has percolated through the surface entering the pavement construction. Acceptable measures might include:

- Collecting the water and running it to a system of piped drainage or similar

- Shaping the subgrade of the permeable paving so that it drains away from the road – even if the top surface falls towards it
- Providing an impermeable barrier between the permeable paving and the road that extends sufficiently downwards to prevent water flows
- Providing a cut-off filter or fin drain between the permeable paving and the road to intercept water flows

33 Kirklees Council will not adopt any impermeable barriers or cut-off drains provided to prevent flows from private permeable surfaces entering sub-surface pavement layers.

Private drainage apparatus in publicly maintainable highways

34 There might be occasions where the installation of private apparatus is an intrinsic part of a development, for example, where it is proposed to drain a development using SuDS features that Yorkshire Water would not adopt. In these cases, Kirklees Council might agree to adopt roads or paths that contain private drains as publicly maintainable highways. However, the council would only adopt roads or paths that contained private drains if the drains were the subject of both a street works licence and an appropriate section 106 planning obligation to cover their long-term care.

Private lateral drains and private connections to public sewers

35 In general, Kirklees Council will not agree to adopt roads or paths that contain private lateral drains or private connections to public sewers.

Private pumping stations

36 In general, Kirklees Council will not approve the siting of private pumping stations in new highways.

High-risk private drainage features near publicly maintainable highways

37 Some private drainage features may pose significant risks to highway users, residents, or the integrity of the highway. For example:

- Without regular maintenance to ensure that they continued to function properly, above-ground private drainage features – such as swales, ponds, reed beds, or constructed wetlands – could cause

flooding of nearby highways or roadside properties.

- Watercourses and waterbodies could be hazardous to pedestrians or other road users, particularly if fencing or safety equipment were not maintained appropriately.
- If they fail, foul rising mains could cause significant disruption to occupiers and road users, pose a

threat to public health, and damage or contaminate the road construction.

38 Kirklees Council will not adopt a road or path that could be adversely affected by the failure or underperformance of a high-risk private drainage feature unless that feature's management and maintenance were covered by an appropriate section 106 planning obligation.

Further information, comments, and queries

Kirklees Council highways standards and guidance

Highways guidance notes

- Existing Roads and Paths Affected by New Developments
- Gradients
- Highway Adoption Drawings
- Highway Adoptions and the CDM Regulations
- Highway Adoptions Criteria
- Highways Technical Approval
- Highways, SuDS, and Private Drainage
- Introduction to Highways and Adoptions
- Operation and Maintenance Manuals for Adopted Highways
- Requirements of New and Improved Roads and Paths
- Requirements of Submitted Documents
- Section 38 Agreements for Highway Adoptions
- Soakaways
- Technical Approval of Surface Water Flow Attenuation Tanks and Pipes

Other highways documents

- Kirklees Highways Standard Details

Comments and queries

Kirklees Council welcomes comments and queries about this guidance note

Although Kirklees Council is not responsible for the content of external websites, please report any broken links

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| <ul style="list-style-type: none"> ■ Huddersfield (01484) 22 1000 – ask for ‘Highway Adoptions’ ■ Highways.Section38@kirklees.gov.uk ■ www.kirklees.gov.uk/highwayadoptions | <ul style="list-style-type: none"> ■ Kirklees Council
Highway Adoptions
Flint Street Depot
Flint Street
Fartown
Huddersfield
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