

A guide to the rights and responsibilities of living by a watercourse

Riparian Ownership

The purpose of this guide is to:

Explain the rights and responsibilities of property owners and residents whose property is adjacent to a river, stream, brook, drainage ditch, culvert or other watercourse

What is a Watercourse?

A watercourse is defined as any channel through which water flows and can be open or enclosed underground as a culvert. Watercourses may be classified as either main rivers or ordinary watercourses.

Main Rivers

Main rivers are usually larger streams and rivers, but also include smaller watercourses of strategic drainage importance. A main river is defined as a watercourse shown as such on a main river map, and can include any structure or appliance for controlling or regulating the flow of water in, into or out of a main river.

The Environment Agency's powers to carry out flood defence works apply to main rivers only. Main rivers are designated by the Department of Environment, Food and Rural affairs.

Ordinary Watercourses

An ordinary watercourse is every river, stream, ditch, drain, cut, dyke, sluice, sewer (other than a public sewer) and passage through which water flows which does not form part of a main river.

Critical Ordinary Watercourses

Watercourses which are not classified as 'main river' but which the council has agreed with the Environment Agency to be critical because they have the potential to put at risk from flooding large numbers of people or property.

Watercourses occur naturally, they serve to drain the land and assist in supporting flora and fauna.

Historically, watercourses have taken surface water run off from buildings and roads, as well as fields and parks. In the process of development many have been culverted or changed in other ways.

In normal conditions the watercourse may be a dry channel in the ground.

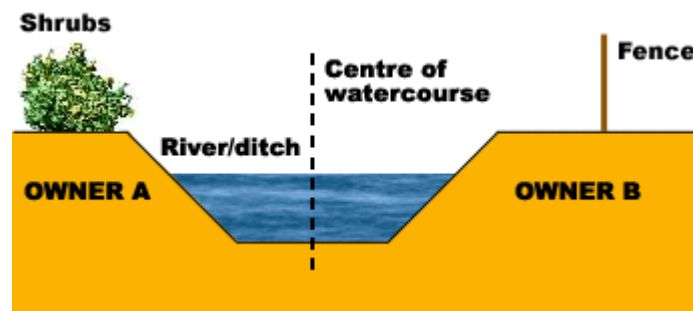
In storm conditions it may become a raging torrent.

Continued development tends to increase the rate at which water is discharged to a watercourse, (even though adequate safeguards to prevent this are available), a process that could lead to increased risk of flooding if not controlled.

Who is a Riparian Owner

Under common law you are the riparian owner of any watercourse within or adjacent to the boundaries of your property.

Where a watercourse is sited between two or more property boundaries each owner may be equally responsible.



Riparian Owners Rights

You have the right to receive a flow of water in its natural state, without undue interference in quantity or quality.

You have the right to protect your property against flooding from the watercourse and also to prevent erosion of the watercourse banks or any structures.

Riparian Owner Responsibilities

As a riparian owner your responsibilities include the maintenance of the bank and bed of your section of watercourse, in order to avoid any obstruction of flow in the watercourse.

Riparian Owners and the Law

Your responsibilities as a riparian owner are based on legislation. The principle legislation is summarised below:

- ❖ The Public Health Act 1936.
- ❖ The Land Drainage Acts of 1991 & 1994.
- ❖ Water Resources Act 1991.
- ❖ National Rivers Authority (now the Environment Agency) Land Drainage Byelaws 1981.

The most common problems affecting watercourses are:

- ❖ Failing to keep vegetation growth under control.
- ❖ Failing to obtain consent for installing pipes or culverting of watercourses
- ❖ Disposal or storage of garden or domestic rubbish, waste etc. on the banks of watercourses.

Implementation of Legislation

In an effort to reduce the risk of flooding the council aims to improve and maintain an effective watercourse system through a process of co-operation, liaison, advice and assistance wherever possible. Enforcement of legislation will only be used where necessary to resolve problems.