

Environment Directorate

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, rhyne, drainage ditch, culvert or other watercourse
- Stimulate co-operation and partnership with all stakeholders including, land and property owners, Parish, Town and District Councils, in maintaining an effective watercourse system to reduce the risk of flooding to property
- Introduce the laws and procedures which affect you and to provide information about where help and advice is available.

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.
- 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 and 1994.
- Water Resources Act 1991.
- Environment Agency Land Drainage Byelaws 1981.

The most common problems affecting watercourses

- 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.

Further Information

A more detailed explanation of riparian issues can be found at the [Environment Agency's website](#). The Agency has published a booklet, '[Living on the Edge](#)', a guide to the rights and responsibilities of a riverside owner, which is available free to download.

Website: www.environment-agency.gov.uk