

# Waterside living

Do you have a river, stream, ditch or culvert running through, or alongside your property?

If so, you are probably responsible for its maintenance and this guide is for you.



Gloucestershire  
COUNTY COUNCIL

Someone who owns property which is next to a watercourse or has a watercourse running through it is called a **riparian owner**. Legally, riparian owners have certain rights and responsibilities relating to the stretch of watercourse that flows through or alongside their land.

It is not only farmers who are riparian owners. Homeowners may not realise that the ditch at the bottom of their garden belongs to them and that they may be responsible for its maintenance

If you are a riparian owner, there are certain responsibilities which you have a legal duty to fulfil to help manage flood risk and protect the environment.



*An 'ordinary watercourse' is any channel through which water flows (such as a river, stream, brook, beck or a ditch) and which is not defined as a 'main river' by the Environment Agency.*

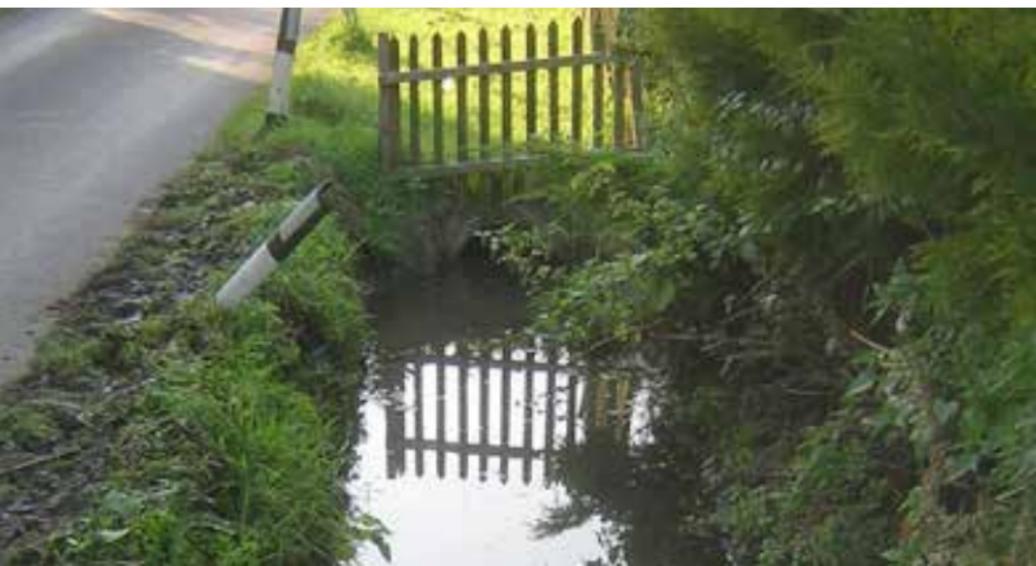
## Responsibilities of a riparian owner

- To maintain the watercourse and to clear any obstructions (natural or otherwise) so the normal flow of water is not impeded.



You must clear any debris from your stretch of the watercourse, even if it is not your fault that the debris is there. Whether it is a man-made or natural obstruction, you are responsible for keeping the watercourse clear of litter, grass cuttings, animal carcasses and fallen trees, etc.

- To maintain the banks and bed of the watercourse (including any trees and shrubs growing on the banks) and any flood defences that exists on it.



*Where a watercourse marks the boundary between adjoining properties, it is normally presumed the riparian owner owns the land up to the centreline of the watercourse.*

You must not alter or divert the water flow without permission as this may have an effect on the properties upstream and downstream. If you do have flood defences on your property, you may be responsible for their maintenance. You can contact your local council or the Environment Agency for help and further advice.

- To accept the natural flow from your upstream neighbour and transfer it downstream without obstruction, pollution or diversion.

You must accept flood water through your land, even if any excess water is caused by inadequate capacity downstream. Landowners downstream of your property are under no obligation to **improve** the drainage capacity of their stretch of watercourse although they have the same responsibilities as you to maintain it.



*If you are unsure whether you are the riparian owner of the watercourse running through your land, check the title deeds of your property.*

- To maintain any approved structures on your stretch of the watercourse. These may include culverts, weirs and mill gates.

These structures must be properly maintained and kept clear of any debris which could obstruct the free flow of water on your land or be washed away to block a structure downstream. You must not build a new structure (for example, a boardwalk) that encroaches upon the watercourse or alters the flow of water without first obtaining permission from your local council or the Environment Agency.



## Rights of a riparian owner

To receive a flow of water in its natural state, without undue interference in quantity or quality.

If you believe that landowners upstream or downstream have altered or redirected a watercourse you share, and that this is affecting the flow of water through your land, you may wish to contact your local council for advice. In addition, other people are not necessarily entitled to discharge water into your watercourse. In order to do so, they may need to obtain both your permission and that of the local council and/or the Environment Agency.

- To protect your property against flooding from the watercourse and to prevent erosion of the watercourse banks or any nearby structures.

For most works you must apply for formal consent from the Environment Agency or your local council. They will look at the surrounding area and make sure that the works you are planning will not cause an adverse effect upstream or downstream. The Environment Agency will also assess whether any works are likely to affect the local environment, fisheries and wildlife, which they have a duty to protect.

Please note all of the above would need to be done at the expense of the riparian owner.

*The Environment Agency manages the maintenance of 'main rivers'. All other watercourse are overseen by either your local council or the Lower Severn Internal Drainage Board.*



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