

RIPARIAN OWNERSHIP

Someone who owns property which is next to a watercourse or has a watercourse running through it is called a **riparian owner**. A 'watercourse' may just be a ditch running along the bottom of your garden; a watercourse is any channel through which water flows (such as a river, stream, brook, beck or ditch) and which is not defined as a 'main river' by the Environment Agency.

Where a watercourse marks the boundary between adjoining properties, it is normally presumed the riparian owner owns the land up to the centre of the watercourse. If you are unsure whether you are the riparian owner of the watercourse running through your land, check the title deeds of your property.

If you are a riparian owner you have **responsibilities** which you have a legal duty to fulfil; these are:

- **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's not your fault that the debris is there. 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 bank) and any flood defences that exists on it;
- **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;
- **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 the District or County Councils or the Environment Agency for help and further advice;
- **To maintain** any approved structure on your stretch of the watercourse – these may include culverts, weirs and mill gates. You must not build a new structure that encroaches upon the watercourse or alters the flow of water without first obtaining permission from the local planning authority or the Environment Agency.

As a riparian owner you enjoy the following **rights**:

- **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 in to 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.