



AWARE • PREPARED • ENGAGED

A guide for watercourse 'riparian' landowners



If an ordinary watercourse is within or next to land or property that you own in Leicestershire, this guide is for you.

For further, more detailed advice about owning watercourses please visit www.gov.uk/guidance/owning-a-watercourse



Is it a river or an ordinary watercourse?

There is a difference, normally the size of the watercourse. It is important to determine which one as different risk management agencies need to be informed of any proposed works depending on which one it is.

To determine if a watercourse is an ordinary watercourse or a 'Main River' you can visit the Environment Agency's website via <https://environment.data.gov.uk/asset-management>

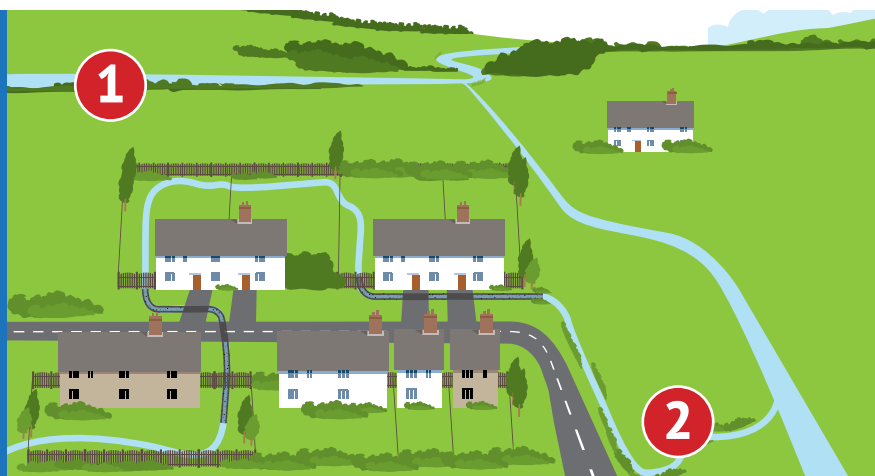


What is an ordinary watercourse?

An ordinary watercourse is a stream or ditch which drains away water that is either a natural or artificial channel. Some ordinary watercourses may contain no flow during dry periods.

Ordinary watercourses can include streams, rivers, dikes, ditches, pipes and culverts (tunnel, usually a pipe, carrying water underground).

Preserving the beds and banks of an ordinary watercourse (including well maintained trees and shrubs growing on the banks) and clearing any debris will minimise the risk of flooding.



An example of an ordinary watercourse flowing through various different landowners manifesting in different forms i.e. open channel, culvert (pipe), and into a river (still ordinary watercourse) until it joins the Main River

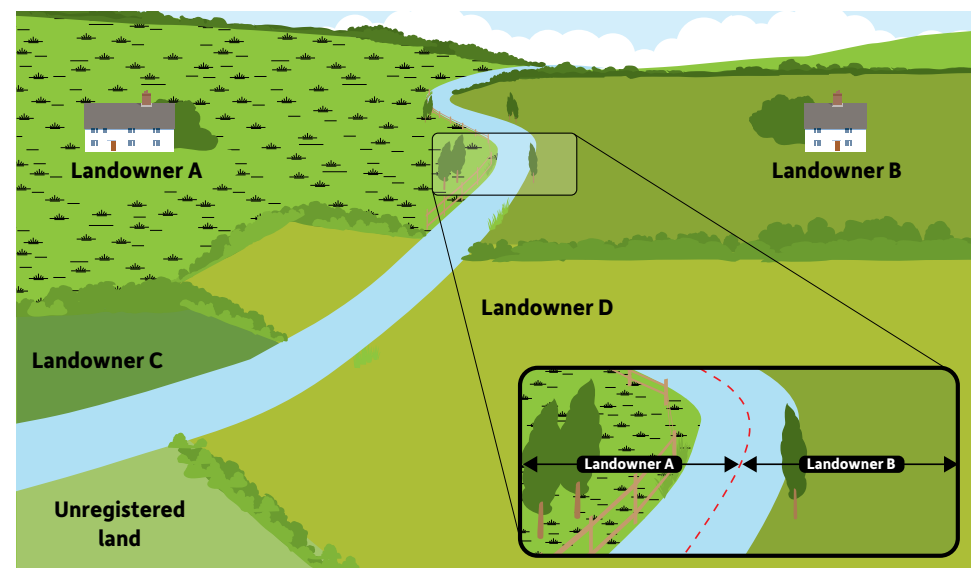
- 1 Main river
- 2 Ordinary watercourse

If you live on, lease or own land next to an ordinary watercourse you have a responsibility to maintain it (unless evidence exists that proves otherwise). The County Council is responsible where watercourses pass under public highway. Otherwise, it is not the responsibility of Leicestershire County Council or other risk management authorities unless they own the section of land or it is demonstrated in a legal document.

Watercourse or 'riparian' landownership

If you own land or property next to or over a river, stream, ditch, or piped flow of water (culvert) that forms part of a watercourse, you are legally termed a '**riparian landowner**' of that section of the watercourse.

If your land boundary is adjacent to a watercourse, it is assumed you own the land up to the centre of the watercourse, unless it is shown to be someone else's land by the Land Registry or other title documents (as per the 'ad medium filum presumption' legal guidance).



Showing shared ordinary watercourse responsibilities between various landowners

You may also find that a watercourse runs underground on or adjacent to your property through a culvert (as shown in the below image).



1 Culverted (piped) watercourse through land to the front of the property

Occasionally a watercourse, especially an artificial one, will be the responsibility of a third party; to establish this you should check your property deeds.

To maintain a watercourse, especially ones that are hidden beneath the ground, you may need the assistance of a specialist company. Failure to maintain watercourses can result in you endangering yourself and your neighbours and can cause a greater risk of flooding.

You must maintain a free flowing watercourse to minimise any flooding risks. It is important however that you do not enter a watercourse during a flood and you take measures to not put yourself in danger.

Rights and Responsibilities

All riparian landowners have the same rights and responsibilities.

Your rights as a Riparian Landowner

- To receive a flow of water in its natural state, without undue interference in quantity or quality.
- To protect your property against flooding & protect your land from erosion – you must check what permissions you may need from the Environment Agency or Leicestershire County Council (see 'Is it a river or an ordinary watercourse').
- To abstract a certain volume of water from the watercourse – you must check with the Environment Agency.
- To fish in your watercourse - you may require a licence from the Environment Agency.



Ordinary watercourse requiring maintenance

Your responsibility as a Riparian Landowner

Never enter the water to remove blockages at times of flood and never put yourself in danger.

- Maintain the watercourse and clear any significant obstructions (natural or otherwise) so the normal flow of water is not impeded, clear any obstructions (natural or otherwise).
- To accept the natural flow from your upstream neighbour, this may include material that has washed from upstream, and transfer it downstream without obstruction, pollution, or diversion. This includes accepting floodwater through your land.
- To maintain the banks and bed of the watercourse (including trees and shrubs growing on the banks) and any flood defences that exist on it.



Woody debris fixed into a watercourse to help manage local flood risk

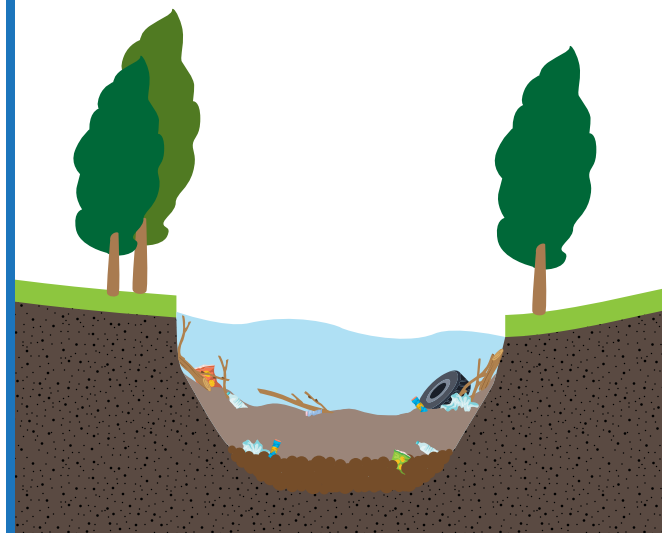


Woody debris from fallen tree close to housing increasing flood risk

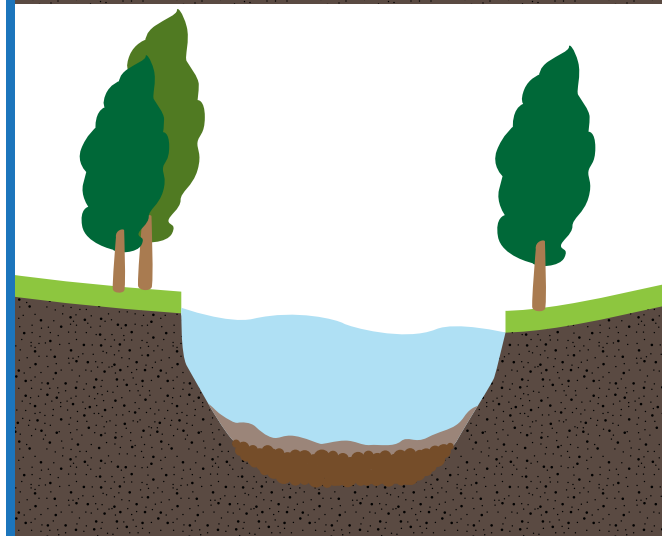
- To maintain any structures on your stretch of watercourse including culverts, weir (an obstruction installed to control water flow), and mill gates.
- Naturally present wood in a watercourse can provide important habitat for wildlife. Environmental and flood risk benefits need to be considered carefully.

For advice, speak to the relevant risk management authority.

Ordinary watercourse maintenance



The watercourse could do with some maintenance to improve flow and capacity, without removing natural bed material



Sensitive silt management completed to improve conveyance and capacity

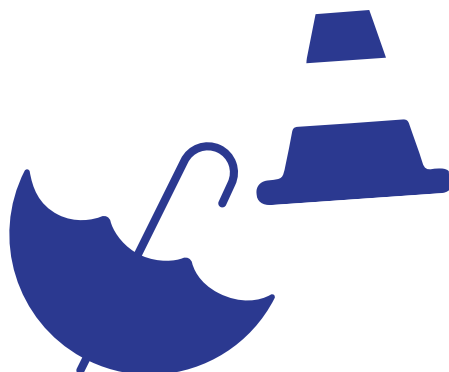
Important additional Information

Rivers can be very dangerous.

For further information visit the following website:

www.gov.uk/government/publications/staying-safe-around-water

Before undertaking any maintenance to your watercourse you should understand any associated risk of flooding and consider what affect your actions may have on yourself, your own land, others and the environment/wildlife. To assist with this, it may be helpful to work with an engineer or a landscape contractor with experience in watercourse maintenance. Involving a qualified ecologist can also help you improve your land for wildlife.



Permissions and regulation

For works on a Main River please refer to the Environment Agency at www.gov.uk/guidance/flood-risk-activities-environmental-permits

Leicestershire County Council regulate the management of ordinary watercourses. Further information can be found on our website at

www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/flood-risk-management.

If you are planning works that may affect the flow of an ordinary watercourse, you must apply for consent under the Land Drainage Act (1991) from Leicestershire County Council. This can include some forms of bank protection. Our advice, including pictures of constable activities, is available here www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/regulation-of-activities-on-watercourses.



Pollution and health

Watercourses can sometimes contain harmful chemicals or diseases. You should always wash your hands, boots, clothing, and tools such as litter pickers after entering a watercourse, particularly if you intend to use them elsewhere. Any significant pollution should be reported to the Environment Agency incident hotline: 0800 80 70 60 www.gov.uk/report-an-environmental-incident.

Timing and wildlife

In-channel weed cutting should ideally take place late in the summer or autumn (weather and flow levels permitting), to ensure the most benefit for winter conveyance and to avoid the bird nesting and fish spawning seasons.

You must not cause environmental harm because of your work, including on more modified drainage channels. For example, damaging bird nests, restricting flow downstream, causing fish deaths etc. Every opportunity should be sought to improve the habitat in and around the river.

Watercourses can be habitats for important species of flora and fauna that are protected, or invasive species that are controlled under the Wildlife and Countryside Act 1981.

- Some species have strict protection under the law (e.g., water voles, great crested newts, birds and their nests and spawning/eggs of salmon, trout, and native crayfish and other fish). If you are in any doubt at all as to the presence of species which are protected, please seek advice before carrying out any work.
www.gov.uk/guidance/construction-near-protected-areas-and-wildlife.
- Prevent invasive species, such as Japanese knotweed, Himalayan balsam, or giant hogweed, from spreading into the wild or onto a neighbour's land.



Himalayan Balsam



Japanese Knotweed



Giant Hogweed

- Naturespot record all species including invasive species and provide a gallery of photographs to help you identify species and can help verify any photographs that landowners take. Visit the following link for further information

www.naturespot.org.uk

- Not allowing the watercourse to become polluted. You must not throw garden waste, wastewater, chemicals, or anything else which could cause pollution on the banks or in the water.



Watercourse overgrown (including with Himalayan balsam an invasive plant) and requiring maintenance



Leicestershire County Council

Flood Risk Management
County Hall, Glenfield, Leicestershire, LE3 8RJ

Tel: **0116 305 0001**

Email: **flooding@leics.gov.uk**

