

A Guide to the Rights and Responsibilities of Living by a Watercourse

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
- To stimulate co-operation and partnership with Charnwood Borough Council in maintaining an effective watercourse system to reduce the risk of flooding to property
- To 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

For clarification of your role as a riparian owner please contact the Land Drainage Section of Charnwood Borough Council who can also provide advice and assistance

Riparian Owners Rights

A riparian owner has the right to:

- Protect his or her property against flooding from the watercourse
- 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.
- Consent must be obtained from Charnwood Borough Council for any proposed work to the watercourse including maintenance, in accordance with the Councils Land Drainage Byelaws 2000.

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.
- Charnwood Borough Council Land Drainage Byelaws 2000

The most common problems affecting watercourses

- Failing to keep vegetation growth under control.
- Failing to obtain consent for any building, planting or alterations within nine metres of the bank.
- 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