

factsheet

Development and Regeneration

WATERCOURSE INFORMATION GUIDE

The rights and responsibilities of living by a watercourse

Riparian Ownership

The purpose of this leaflet 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 and to stimulate co-operation and partnership with Charnwood Borough Council in maintaining an effective watercourse system to reduce the risk of flooding to property and 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.



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 Engineering 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 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.

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.

For clarification or a copy of these Byelaws please contact the Engineering Section of Charnwood Borough Council.

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 are:

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.

FURTHER ADVICE AND ASSISTANCE

Charnwood Borough Council, Engineering Section

General advice on Land Drainage, flooding and pollution.

Tel/Fax: 01509 634685, email: land.drainage@charnwoodbc.gov.uk

Charnwood Borough Council, Charnwood Lifeline

Emergency contact in flooding emergencies

Telephone: Out of Hours: 01509 643979 Office Hours: 01509 634684

Environment Agency

Pollution control, National flood warnings, Coastal defence and Main rivers.

General Enquires: 0870 850 6506

Pollution 24hr: 0800 807060

Flood Line: 0845 988 1188



This information is available in different formats. To access these please phone (01509) 634560.

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