



Managing your ditches and watercourses

A Guide for Riparian Owners

Find out more online
www.worcestershire.gov.uk/flooding



worcestershire
county council

If you own land alongside a watercourse, then this guide will offer advice on how to maintain it to ensure you are carrying out your responsibilities as a riparian owner and reduce the risk of flooding for your community.

What is an ordinary watercourse?

The network of ditches and smaller watercourses (those not recorded as “main rivers”) are called “ordinary watercourses” and play an important role in the management of flood risk. They include streams, drains, open ditches, cuts, culverts, sluices, dykes and surface water sewers (other than public sewers). They also include sustainable drainage systems (SuDS) such as swales, ponds and filter drains which are increasingly common in new developments.

Keeping ordinary watercourses maintained ensures surface water is drained away to prevent flooding. With more intense and heavy rainfall events and higher levels of development, the need for clear and functioning watercourses has never been more important.

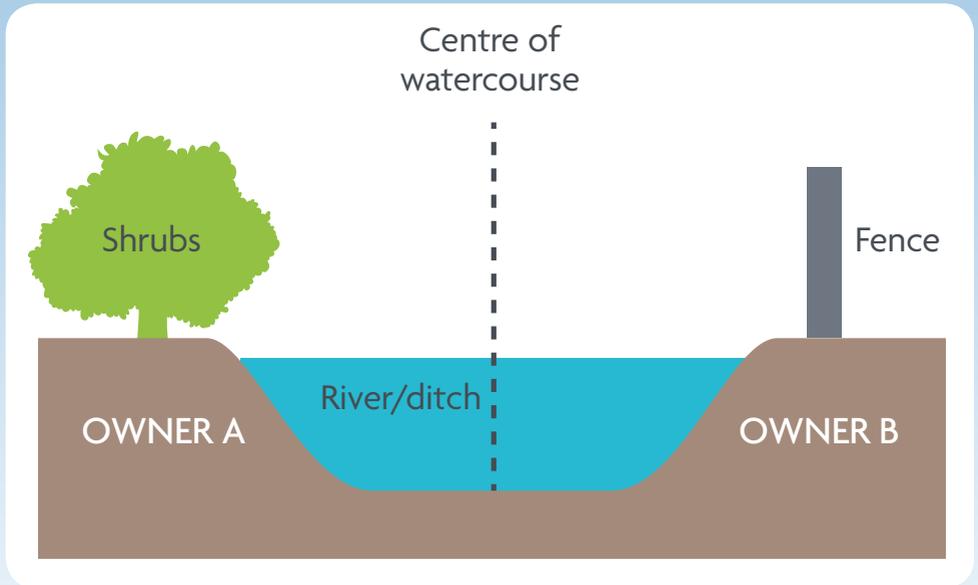
What is Riparian Ownership?

If you have a ditch or watercourse either on or adjacent to your property, you are probably responsible, under common law, for its maintenance. As such, you are a “riparian owner”.

Where a watercourse is the boundary between you and your neighbour, law assumes you each own the land up to the centre point of the watercourse unless you have documentation stating otherwise. This means that both you and your neighbour are responsible for the maintenance and water flow within the watercourse where it borders your land.



Watercourses that have been enclosed underground (culverted) are still considered to form part of an ordinary watercourse or main river and it is still your responsibility as a riparian owner if it runs through your land.

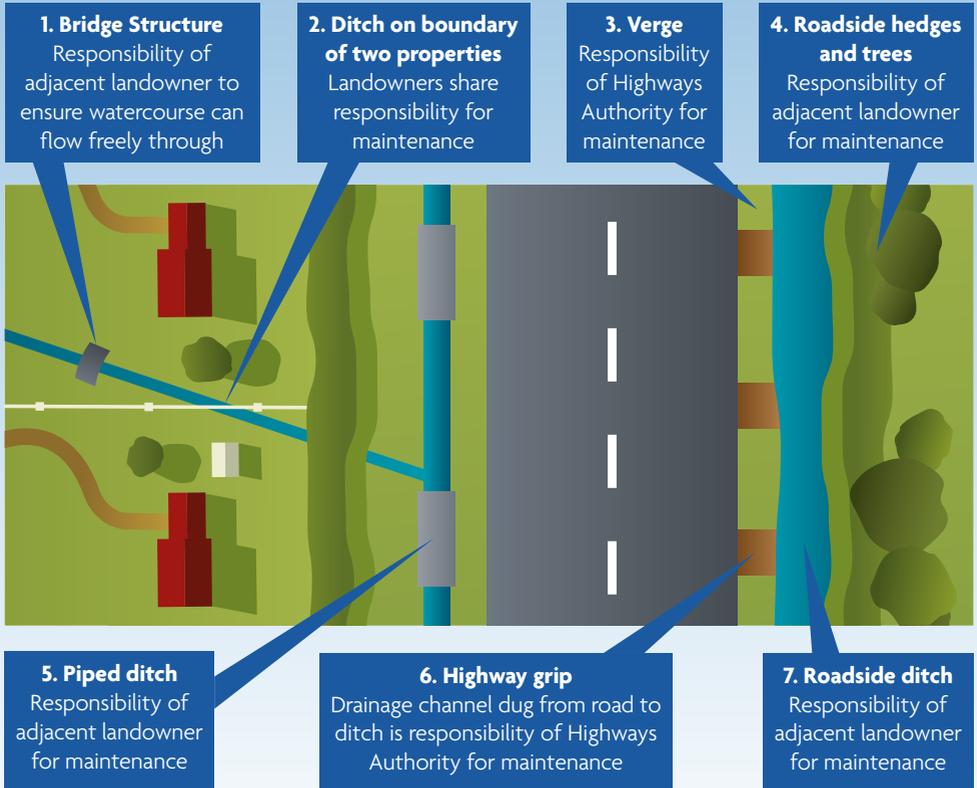


The maintenance of the vast majority of ditches that run along the roadside is the responsibility of the adjacent landowner. However, the Highway Authority (Worcestershire County Council) is responsible for the maintenance of a very small number of roadside ditches which were constructed at the same time as the highway, for the sole purpose of draining it. The county council also has powers to carry out:

- maintenance of riparian owned ditches and watercourses
- enforcement action about water running from land onto the highway and causing a nuisance



What are the rights and responsibilities of a riparian owner?



Your basic responsibility, as a riparian owner, is to ensure “the proper flow of water” by preventing any obstructions. If a flood has occurred as a direct result of you not carrying out your riparian responsibilities to properly maintain your watercourse, you could be liable for compensating any damage that occurs.

Riparian owners all have the same rights and responsibilities. These are in place to protect you from the actions of fellow riparian owners, but also outline your duty to other owners, the community and to the environment.



Your rights are:

- to receive flow of water in its natural state, without undue interference in its quantity or quality.
- to protect your property from flooding, and your land from erosion (subject to approval by regulating bodies).
- to use the watercourse including the right to fish (you must have a valid Environment Agency rod licence). This right may be sold or leased. There may be some circumstances in which these rights are affected by other laws or environmental considerations, for example you are not allowed to fish out of season even if you have a licence.

Your responsibilities are:

- to pass on the flow of water without obstruction, pollution or diversion affecting the rights of others.
- to accept flood flows, even if caused by inadequate capacity downstream.
- to maintain the bed and banks of the watercourse and to clear any debris, whether natural or man-made even if the debris originated from elsewhere.
- to keep any culverts, rubbish screens, weirs and mill gates clear of debris.
- to protect your land from flooding (you may need consent before undertaking works, see below).
- to not cause any obstructions, either temporary or permanent, that could prevent the free passage of fish.
- to comply with any other Acts or environmental good practice measures that may apply.

If you fail to carry out your responsibilities you might:

- be required by notice to undertake maintenance/clearance works and ultimately be prosecuted if you do not comply.
- cause flooding on your property or on someone else's.



How should a watercourse be maintained?

Removing obstructions

Frequently check for and remove any physical obstructions such as large rocks, rubble, fallen trees and branches and other waste materials (litter, grass cuttings etc) so that water can flow freely. All non-organic waste should be completely removed off site and disposed of in an appropriate manner. Any green waste resulting from the maintenance of ditches can be left a safe distance from the bank for a few days to allow any organisms to move back into the watercourse, after which the green waste should be removed so it doesn't wash back into the watercourse.

Mowing and trimming

Keep growth of vegetation (trees, weeds, reeds and grass) under control with regular trimming and mowing of banks where appropriate.

To minimise the environmental impact of mowing banks, do this less frequently during the period of March to mid-July, in order to avoid disturbing spawning fish and nesting wildlife.

To ensure you comply with DEFRA Agri-environment schemes and wildlife legislation, refer to this guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/579836/Cross_Compliance_2017_rules_FINAL.pdf

Managing invasive plant species

For information about how to manage non-native plants such as Himalayan Balsam, Japanese Knotweed and Floating Pennywort, the following organisations have produced some useful guidance.

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

www.nonnativespecies.org

<https://canalrivertrust.org.uk/about-us/our-work/maintaining-our-waterways/vegetation-management/invasive-species-control>



De-silting

Silt build-up within an ordinary watercourse gets worse over time and becomes more expensive to rectify. Regular removal of silt is much more cost effective and will ensure the watercourse remains in full working order. When de-silting ditches, it is important that you consider any impact on biodiversity. Therefore, it is suggested that you temporarily deposit silt on top of the banks of the watercourse, this allows for organisms to migrate back into the ditch. However, you have no legal right to deposit silt on a highway verge and doing so might result in enforcement action against you if it is deemed to be causing an obstruction to the highway. In these instances, you should remove the silt and deposit it elsewhere; ensuring permission is in place from the landowner.

When and how often should this be done?

Most watercourses and ditches require annual maintenance to some degree, but the frequency will be dependent on the amount of material you receive from upstream. The best time of year to undertake major clearance works is in late September, in preparation for increased winter flows and once vegetation has already begun to naturally die back. This will also avoid fish breeding and bird nesting seasons. You should inspect your watercourse regularly to ensure no blockage has occurred.

Environment and nature

If a watercourse is carefully maintained, it can create an excellent habitat for wildlife. Careful planning, such as trimming alternate banks of the watercourse each year to remove obstructive vegetation, allows you to help fulfil your riparian responsibilities, whilst enhancing the environment. This approach allows wildlife to migrate to opposite sides of the watercourse each year, rather than be forced to leave.

Consent to carry out works

General maintenance probably won't require consent but permanent and temporary works affecting a watercourse may require consent. Temporary works could be the damming of a watercourse to allow permanent work such as the installation of a bridge. If in doubt contact your local district council land drainage team (see below).



You will need to submit your work plans to the authority responsible for the watercourse in order that they can be assessed and approved where appropriate.

If the work is on or near a main river you will need to apply to the Environment Agency. More information can be found on their Apply for a Flood Defence Consent web page.

<https://www.gov.uk/permission-work-on-river-flood-sea-defence>

If your work is on or near an ordinary watercourse you will need to apply to the relevant district council. Details can be found on the Worcestershire County Council's Flood Risk Management website.

http://www.worcestershire.gov.uk/info/20236/flood_risk_management/1047/consent_to_carry_out_works_on_a_watercourse

Further information

The Environment Agency's booklet "Living on the Edge" contains information for riparian watercourse owners and further information about watercourse maintenance: www.environment-agency.gov.uk

For more information or to view this document online, please visit: www.worcestershire.gov.uk/flooding

Contact Details

North Worcestershire Water Management: 01562 732191



South Worcestershire Land Drainage Partnership: 01386 565377



Environment Agency: 03708 506 506

