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## RIPARIAN OWNERSHIP AND FLOOD RISK



**OXFORDSHIRE  
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**A ‘riparian owner’ is someone who has a watercourse within or adjacent to any boundary of their land. It is presumed that they own the land up to the centre of the watercourse – unless it is known to be owned by someone else.**

### **What is a watercourse?**

A watercourse is any natural or artificial channel above or below ground through which water flows, such as a river, brook, ditch, mill stream or culvert (but not canals). It can be above or below ground and does not have to contain water all year round.

Flooding can happen if watercourse owners:

- Fail to keep vegetation growth under control
- Install pipes or culverts without getting the required consents
- Dispose of/store garden waste, domestic rubbish or similar material on the banks.

In English law the term ‘Ordinary Watercourse’ applies to all those channels NOT designated as ‘Main Rivers’, and is not related solely to channel size.

### **Rights and Responsibilities**

Riparian owners have certain rights (such as the right to protect their own property from flooding) but they also have responsibilities. To prevent flooding, these landowners **MUST**:

- Maintain the bed and banks of the watercourse, and also the trees and shrubs growing on the banks
- Clear away any natural or man-made debris, even if it did not originate from the owner’s land
- Keep any structures they own (such as culverts, trash screens, weirs or mill gates) clear of debris
- Let water flow through their land without any obstruction, pollution or diversion which affects the rights of others
- Accept flood waters through their land.

**IF AN OWNER FAILS TO DO THESE THINGS THEY MAY FACE LEGAL ACTION.**

As ‘Ordinary watercourses’ can include road side ditches, a landowner may be legally responsible for the maintenance of these where they border their land.

If flooding on a road happens because of an obstruction in a ditch, then the Highway Authority (usually the County Council) may take legal action requiring the owner to clear it.

## Flood Risk Management

A number of organisations and individuals are required to work together to reduce both the likelihood of flooding and the impacts it can have. In this county these are:

ENVIRONMENT AGENCY - responsible for consenting and associated enforcement on Main Rivers.

OXFORDSHIRE COUNTY COUNCIL - responsible for the management of flood risk from surface water runoff, ordinary watercourses and groundwater

RIPARIAN OWNERS - have the responsibility to manage their own flood risk. It is important that they understand the risks of flooding in their local area, on their land and at their property, as well as what to do if there is a flood.

## Before Work Begins

Riparian owners must be aware of the need to obtain the correct CONSENTS AND PERMITS BEFORE CARRYING OUT WORK as follows:

- Any works in, over, under or within 9 metres of a Main River, must have formal consent from the ENVIRONMENT AGENCY; those in or around Ordinary Watercourses need formal consent from LOCAL DISTRICT COUNCILS for Ordinary Watercourses
- Works on a watercourse may also require planning permission, as well as the above consents. The LOCAL DISTRICT PLANNING AUTHORITY can advise on this
- Ditch spoil is categorised as 'Medium Level Hazardous Waste', so it is necessary to obtain advice on disposal from the ENVIRONMENT AGENCY
- A number of species, as well as all nesting birds, are protected by law. Disturbing them is a serious criminal offence, so further advice should be sought from NATURAL ENGLAND AND/OR THE LOCAL WILDLIFE TRUST.

Landowners must also ensure the work can be done in a safe manner, assessing this on a case-by-case basis. Local District Councils can give advice on work other than general maintenance needed on Ordinary Watercourses.

## Piped Watercourses & Culverts

Generally speaking these are the responsibility of the riparian owner, who usually owns them from where they enter to the point they leave that person's land. The same duties, responsibilities and rights exist for piped watercourses and culverts as for open channels, so owners must clear any blocked culverts or pipes on their land or under their property.

## Land Management

Farmers are required to use techniques that prevent rainwater from carrying off topsoil into watercourses. Allowing runoff may constitute a criminal offence, and could threaten the farm's Single Farm Payment.

## Enforcing the law

To reduce the risk of flooding, the County Council aims to improve and maintain an effective watercourse system through a process of co-operation, liaison, advice and assistance wherever possible. Legal action will only be used where other methods have not succeeded in reducing the flood risk.

THIS LEAFLET IS NOT INTENDED TO BE A COMPLETE STATEMENT OF THE LAW. Landowners should always bear in mind that their rights may be affected by their duties to other landowners, to the rest of the community and to the environment. More detailed information is available from the organisations listed below.

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## Further Information & Contacts

Environment Agency

Tel: **03708 506 506** Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

'Living on the Edge' booklet:

<http://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>

Floodline: **0345 988 1188**

Oxfordshire County Council - Flood and Water Management Team

Email: [floodmanagement@oxfordshire.gov.uk](mailto:floodmanagement@oxfordshire.gov.uk)

Guidance for those with flood defences on their land:

<http://www.gov.uk/flood-defences-and-structures-a-guide-for-farmers-and-landowners>

Berks, Bucks and Oxon Wildlife Trust

Tel: **01865 775 476** Email: [info@bbowt.org.uk](mailto:info@bbowt.org.uk)

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