

# Watercourse management

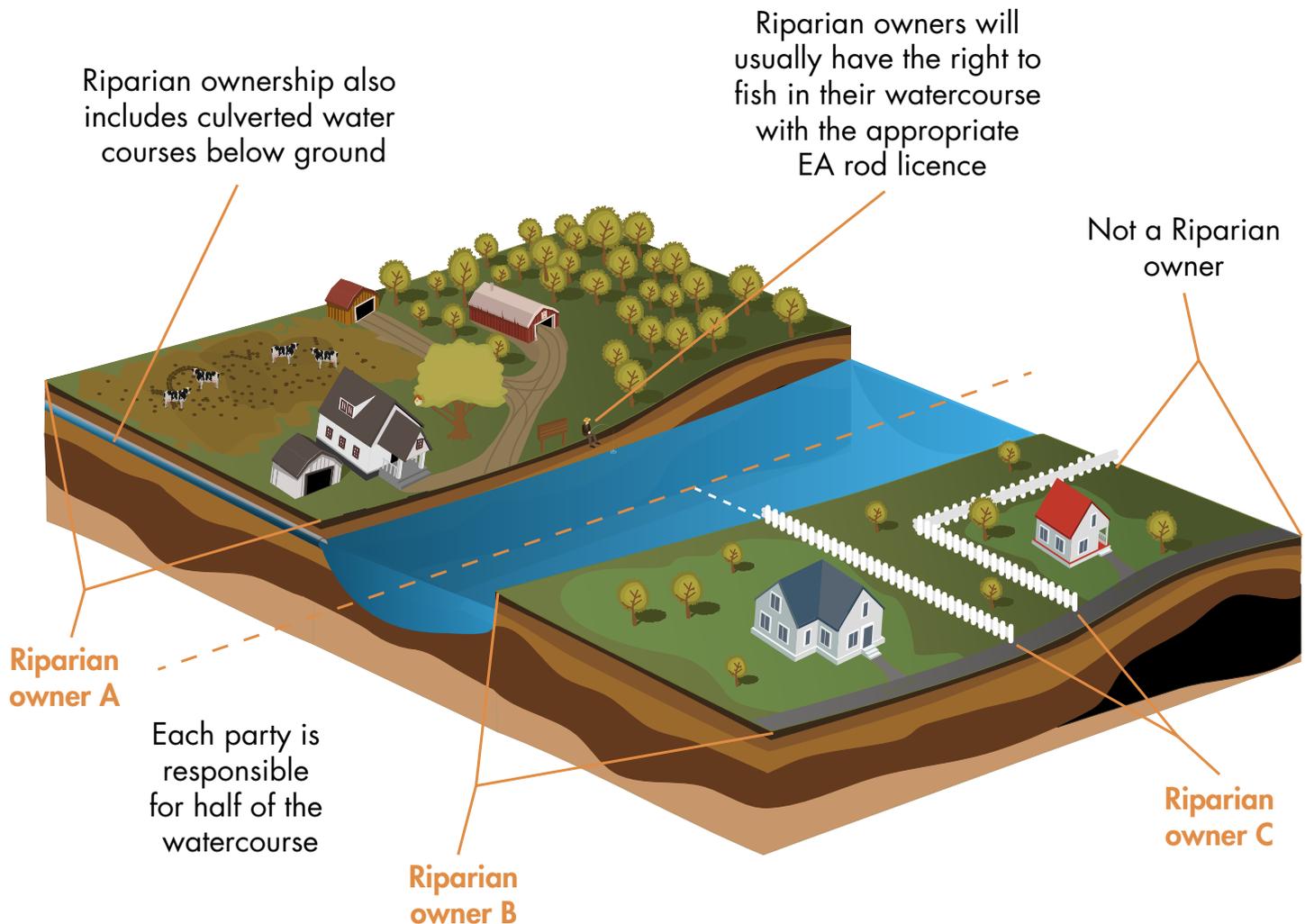
North Somerset Council is the Lead Local Flood Authority (LLFA) for the area. The LLFA role is defined under legislation, and gives the council powers with regard to any Ordinary Watercourse. An Ordinary Watercourse can be a river, stream, rhyne, ditch, culvert or passage through which water flows but does not form part of a Main River. Main Rivers are usually larger streams and rivers, but also include smaller watercourses of strategic drainage importance.

## Riparian ownership

If you have a watercourse running through your land, on the surface or underground, or along the boundary of your property you are likely to be the riparian owner or joint riparian owner, unless the watercourse is known to be owned by someone else, such as a sewer owned by a Utility company.

If the land on the other side of the watercourse is not in your ownership, you are presumed to be the joint riparian owner together with the landowner on the other side. In the case of joint riparian ownership, each party is presumed to own up to the centre line of the watercourse and therefore is responsible up to this point.

## Riparian ownership example



## Your rights as a riparian owner:

- You are presumed to own the land up to the centre of the watercourse, unless it is known to be owned by others.
- You have the right to receive flow of water in its natural state, without undue interference in quantity or quality.
- You have the right to protect your property from flooding, and your land from erosion. You may need the consent of the Environment Agency / Internal Drainage Board / council for such works.
- You have the right to fish in your watercourse unless this has been expressly excluded, although this must be by legal methods and with an Environment Agency rod licence.
- Without needing a licence, you can abstract a maximum of 20 cubic metres of water per day for domestic purposes of your own household or for agricultural use, excluding spray irrigation, from a watercourse at a point that directly adjoins your land. Most other types of abstraction will require a licence from the Environment Agency.
- If the work affects sites of known conservation or archaeological value, you may need further permissions from the relevant authorities. Environmental issues, including flood risk, wildlife conservation, fisheries, and reshaping of the river and landscape, must all be considered.

## Your responsibilities as a riparian owner

**As a riparian owner, you have responsibilities in relation to the watercourse flowing through or adjacent to your property. Your legal duties are to:**

- Pass on flow without obstruction, pollution or diversion affecting the rights of others.
- Accept flood flows through your land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse.
- Maintain the bed and banks of the watercourse (including trees and shrubs growing in the banks), and for clearing any debris, natural or otherwise, including litter, even if it did not originate from your land.
- Not cause any obstructions to the free passage of fish.
- For keeping the bed and banks clear of any matter that could cause an obstruction, either on your land or by being washed away by high flow to obstruct a structure downstream.
- Watercourses and their banks should not be used for the disposal of any form of garden or other waste.
- For keeping clear any structures that you own such as culverts, trash screens, weirs and mill gates.

## What are the Lead Local Flood Authority responsible for?

**While riparian owners are responsible for maintaining their watercourses, the council can carry out work to prevent flooding and recharge the cost to the riparian owner.**

The council may therefore:

- Inspect ordinary watercourses as necessary.
- Contact riparian owners where maintenance is required and, if necessary, serve notice to require maintenance where water flow is seriously impaired.
- Co-ordinate work along a watercourse where a number of residents are involved.
- Take action to prevent unauthorised piping or culverting of watercourses. Before carrying out any works to a watercourse such as altering the banks, building a retaining wall or laying pipes, you should contact us.

**For more information on riparian ownership please see the Environment Agency document 'Living on the Edge' available on the government department website [www.gov.uk](http://www.gov.uk).**

If you should need any further advice please do not hesitate to contact North Somerset Council Customer Services on 01934 888 888, email [flood.risk@n-somerset.gov.uk](mailto:flood.risk@n-somerset.gov.uk) or visit [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

