



Your Watercourse:

Rights and Responsibilities

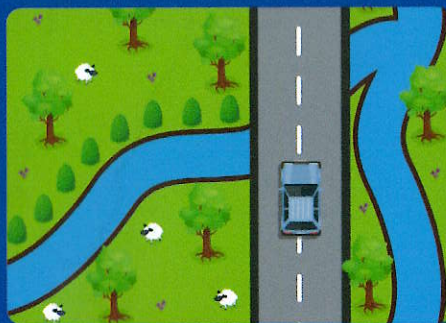
Watercourses and their importance

If you own land with a watercourse running through it, along its boundaries, or under it, you have certain rights and responsibilities that in legal terms make you a 'riparian owner'^{*1}.

^{*1} Tenants and landlords should agree between themselves who is to take on maintenance responsibilities.

Being a riparian owner is an important role; one that helps to protect your own property, that of neighbours, and those upstream from flooding, whilst simultaneously supporting the natural environment of our rivers and streams.

The term watercourse refers to any natural or artificial channel (excluding public sewers), above or below ground, through which water flows. Water does not need to be present all year round for it to be classified as a watercourse.



In England watercourses are divided into two categories; Main River and Ordinary.

Main River

means a watercourse identified as such on the GOV.UK website

Ordinary

means any watercourse that is not classified as a main river

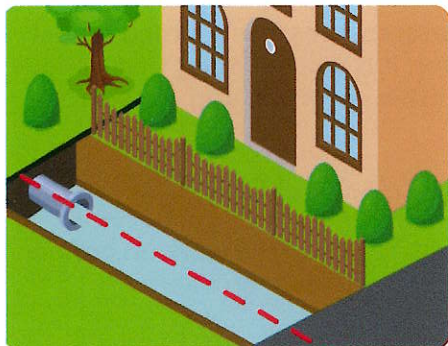
Responsibility for maintaining these watercourses is presumed to rest with relevant riparian owner(s), however, it is worth noting that various organisations also have powers to maintain, improve, and construct works on watercourses in Lincolnshire.

- The Environment Agency has powers to undertake work on main rivers
- Lincolnshire County Council has powers to undertake work on ordinary watercourses which do not fall within the district of an internal drainage board
- Internal Drainage Boards have powers to undertake work on ordinary watercourses which fall within their district. You can find out who your local Internal Drainage Board is on the Association of Drainage Authorities website
- District Council's have powers to undertake work on ordinary watercourses which do not fall within the district of an internal drainage board

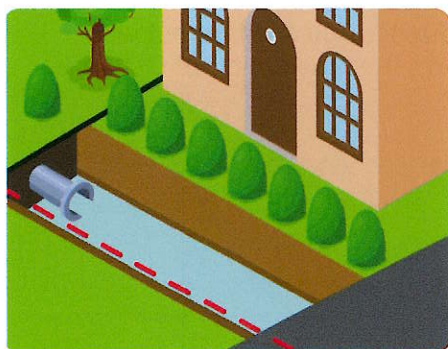


If a watercourse forms the boundary between you and your neighbour, the law presumes that you are responsible for maintaining up to the centreline of the watercourse, unless there is any formal information indicating otherwise, such as in title deeds.

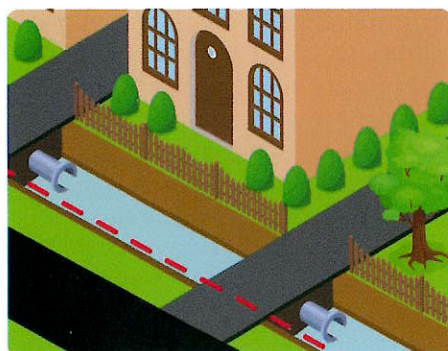
There isn't any proof required to demonstrate that riparian responsibilities apply. This is because they are presumption in common law, so if no evidence exists to demonstrate otherwise, riparian responsibilities apply.



If there is a fence between your land and the watercourse, the presumption remains that the watercourse marks the land boundary, rather than the fence.



If there is a hedge, the landowner on the hedge side of the bank is presumed to have riparian responsibilities for the whole watercourse, rather than just up to the centreline.



If a watercourse runs alongside an adopted highway the responsibility for maintenance is presumed to lie with the landowner on the non-highway side of the bank. However, in certain circumstances, maintenance of these watercourses may be the responsibility of Lincolnshire County Council.

Land ownership is sometimes unknown, disputed or difficult to ascertain. To find out who owns certain parcels of land, you can contract the Land Registry.

Riparian rights

Riparian owners have various rights subject to legal requirements. These include the right to:

- Have water come to you in its natural state in flow, quantity, and quality
- Protect your property from flooding and land from erosion as long as it doesn't increase flood risk to other people's property or land. In certain cases you will need consent from the Environment Agency (for undertaking work on, or near, main rivers), Lincolnshire County Council (for works on or near ordinary watercourses outside internal drainage districts) or Internal Drainage Boards (for works on or near ordinary watercourses within their district)
- Fish in your watercourse
- Extract a maximum of 20m³ of water per day from a watercourse at a point that directly adjoins your land



To fully exercise these rights, permits, permissions, or licences may be needed from the Environment Agency, Lincolnshire County Council, or Internal Drainage Boards.

Riparian responsibilities

Responsibilities of riparian owners include but are not limited to:

- Not obstructing the flow of a watercourse to the detriment of your neighbours
- Keeping structures you own clear and free from obstruction
- Seeking permission to use herbicides to control weeds in water or on the banks next to a watercourse
- Not allowing the watercourse to become polluted
- Preventing invasive species from spreading into the wild or onto neighbours land

Failure to carry out riparian responsibilities may:

- Cause flooding to your property or your neighbours
- Result in the relevant authority serving notice requiring you to maintain the watercourse and ultimately consider prosecution if you do not comply

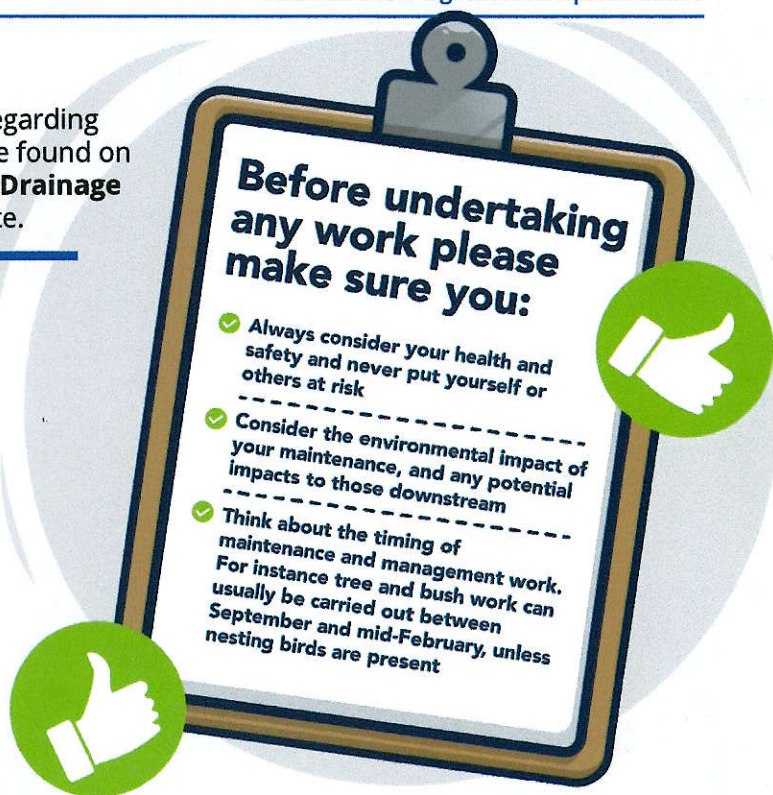
Watercourse maintenance

Depending on its condition, maintaining a watercourse need not be a difficult or expensive task with work likely to be only required on an intermittent basis. Maintenance might include:

- Vegetation management – e.g. in channel weed cutting. Where possible, marginal vegetation on one side of the channel should be left uncut
- Channel clearance – e.g. removing branches and trunks that obstruct the channel
- Channel maintenance – e.g. removal of accumulated silt that is obstructing flows



Further guidance regarding maintenance can be found on the **Association of Drainage Authorities'** website.



Further information

If you require assistance accessing any data or information discussed above, have a query, or would like more information about a topic or relating to your site, further information can be obtained from the following organisations:



Association of Drainage Authorities

www.ada.org.uk/idb-map/
www.ada.org.uk/environment



Environment Agency

enquiries@environment-agency.gov.uk
www.gov.uk/guidance/owning-a-watercourse



Lincolnshire County Council

FloodRisk@lincolnshire.gov.uk
www.lincolnshire.gov.uk/flood-risk-management



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