

Ordinary Watercourses Rights and Responsibilities

If you have a river, stream ditch or pipe running through or alongside your property you may be responsible for its maintenance. This guide provides information to landowners about their rights and responsibilities related to ordinary watercourses on or adjacent to their land.

Responsibilities of a riparian owner



- **To clear any obstructions so the normal flow of water is not impeded**

You must clear any debris from your stretch of the watercourse, even if it is not your fault that the debris is there. Whether it is a man-made or natural obstruction, you are responsible for keeping the watercourse clear of litter, grass cuttings, animal carcasses and fallen trees, etc.

- **To maintain the banks and bed of the watercourse in its natural state**

You must not alter or divert the water flow without permission from HCC as this may impact properties downstream. Any vegetation growing on the banks should be maintained.

- **To maintain any structures on your stretch of the watercourse. These may include culverts, weirs and mill gates**

These structures must be properly maintained and kept clear of any debris which could obstruct the free flow of water on your land or block structures further downstream.

- **To accept the natural flow from your upstream neighbour and transfer it downstream without obstruction, pollution or diversion**

You must accept flood water through your land, even if any excess water is caused by inadequate capacity downstream. Any issue related to the channel capacity may require further investigation from the relevant authority.

Rights of a riparian owner



- **To protect your property** against flooding from the watercourse and to prevent erosion of the watercourse banks or any nearby structures.
- To receive a flow of water in its natural state, without undue **interference in quantity or quality**.



Consenting works on ordinary watercourses

- **Any works proposed to be carried out** that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works.
- This is to ensure that any works to be undertaken will not affect the flow of the watercourse upstream and/or downstream.
- Application form and guidance are available on the County Council web page dedicated to Ordinary watercourses.