

**THESE NOTES ARE FOR GUIDANCE ONLY AND ELM PARISH COUNCIL ACCEPTS NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS. IF IN DOUBT, PLEASE SEEK LEGAL ADVICE**

## **LAND DRAINAGE RESPONSIBILITIES**

### **Riparian Owners**

#### **1) OUTLINE OF ROLES AND RESPONSIBILITIES**

**You are known as a riparian owner if you own land or property adjacent to a watercourse – this includes dikes.** By virtue of being a riparian owner you have rights and responsibilities. **Dikes adjoining or adjacent to your property are often not conveyed in your house deeds and you may be unaware that you have responsibilities.** If ownership is in doubt, contact Cambridgeshire County Council, Fenland District Council, Elm Parish Council and the local Drainage Board in the first instance to see whether they own the dike or watercourse. If they do not, you may find that you do

#### **Your rights as a riparian owner are:**

- 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 will in most cases need the prior consent of the Environment Agency, Drainage Board and Local Authority for any works
- You have the right to fish in your watercourse, although this must be by legal methods and with an Environment Agency rod license
- Without needing a license, you can abstract a maximum of 20 cubic metres of water per day for the 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 Agency.

#### **Your responsibilities:**

- Riparian Owners have a duty of care towards their neighbours upstream and downstream and must avoid any action likely to cause flooding of their neighbour's land or property
- You have the responsibility to accept flood flows through your land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse

- **You are responsible for maintaining the bed and banks of the watercourse (including trees and shrubs growing on the banks), and for clearing any debris, natural or otherwise, including litter and animal carcasses, even if it did not originate from your land**
- You must not cause any obstructions to the free passage of fish
- You are responsible 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
- You are responsible for keeping clear any structures that you own such as culverts, trash screens, weirs and mill gates
- You may have flood defences such as walls and embankments on your property, which are vital for the protection of both yourself and others. You should discuss the maintenance of such defences with the Environment Agency office
- You are responsible for protecting your property from seepage through natural or man-made banks. Where such seepage threatens the structural integrity of a flood defence, it may become the concern of the Agency
- Before starting any work on or adjacent to a watercourse, you must submit the plans of any work to the Council and/or the Environment Agency to determine whether you require a land drainage consent and/or planning permission. Environmental issues, including flood risk, wildlife conservation, fisheries, reshaping of the river and landscape, must all be considered
- Failure to carry out your responsibilities could result in possible civil action from others
- The ultimate responsibility for maintenance of the watercourse, including the banks, rests in perpetuity with the riparian owner, regardless of whether such works have occasionally in the past and without prejudice, been carried out by, and at the expense of the Council. This could include clearing obstructions, repairing the banks, and protecting vegetation/trees