

GENERAL GUIDANCE ABOUT RIPARIAN RESPONSIBILITIES

1. The following general advice is offered to residents about 'riparian ownership' (see para 4 below for an explanation of the term). The Parish Council has provided this guidance:

(a) as a reminder to residents whose property adjoins or includes any form of watercourse and who are thus 'riparian owners'; and

(b) to residents, generally, for their information and to make them aware this subject.

2. Although it is drawn from Shropshire Council and other local authority websites (and is thus wide-ranging), **the following guidance should not be understood as being legally comprehensive or authoritative**. The Environment Agency (the lead authority on rivers and watercourses) has provided comprehensive guidance on riparian ownership in its booklet, *Living on the edge - A guide to your rights and responsibilities of riverside ownership*. The booklet is available free from the Environment Agency and can also be downloaded here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454562/LIT_7114.pdf.

3. It is suggested that residents who are directly affected by this subject might like to acquaint themselves with the above booklet. If they need further advice, they may wish to contact Shropshire Council Drainage and Flooding department. Shropshire's leaflet *How do I maintain my watercourse* can be downloaded here: <https://www.shropshire.gov.uk/drainage-and-flooding/watercourse-and-drainage-system-responsibilities/how-do-i-maintain-my-watercourse/>

What is a 'riparian owner'?

4. '*Riparian*' means '*relating to, or situated on, the banks of a river*'. A riparian owner is someone who owns or leases land or property which contains, or is next to, a watercourse – which covers a river, stream, ditch or culvert.

5. Riparian owners have rights and responsibilities in respect of their watercourse.

(a) They have the **right** to:

- Receive a flow of water in its natural state, without undue interference in quantity or quality;
- Protect their property against flooding from the watercourse; and
- Prevent erosion of the watercourse banks or any structure.

(b) At the same time, riparian owners are **responsible** for

- Maintaining the bank and bed of their section of the watercourse; and
- Ensuring any obstruction of flow in the watercourse is avoided.

Why should riparian owners maintain their watercourse?

6. Most watercourses require a degree of annual maintenance. Thus, in order to receive their rights, it is reasonable to expect owners, both up- and down-stream of each other, to carry out the responsibilities of riparian ownership by regularly maintaining their respective watercourses.

7. A well maintained watercourse plays a significant role in;

- Keeping the land well drained;
- Preventing flooding by allowing water to escape efficiently;
- Preventing localised flooding;
- Controlling surface water; and
- Maximising the function for which the watercourse was designed.

How can the watercourse be maintained?

8. (a) **Keep vegetation growth under control**

- Consider any impact on biodiversity when trimming vegetation. Minimise mowing banks around ditches during the spawning season of March to mid-July.
- Cut only up to just above the water level on one side of the watercourse to leave the fringe of the bank uncut, thereby maintaining some habitat as well as enabling a clear flow in the ditch.
- Keep cuttings from clearance work clear of the watercourse – or remove them entirely from the site – so as to avoid re-entry, which can pollute or cause blockages downstream.

(b) **Keep watercourses free of debris (e.g. litter, grass cuttings, and fallen trees)**

- Leave any waste resulting from the maintenance of ditches on top of the bank for a few days to allow any organisms within the waste to migrate back into the watercourse. After that the waste should be removed. Spread any silt onto adjacent land.
- Completely remove all non-organic waste off-site and dispose of it appropriately.
- Ensure that any disturbed debris does not end up flowing downstream, causing problems for other landowners.
- Regularly inspect and remove all debris blocking culverted (piped) watercourses to lower the risk of flooding.
- Clear culvert inlets and protective grills, especially during periods of heavy rainfall, to avoid causing blockages.

(c) **Remove excess silt**

- Silt should be removed to the same depth along the length of the ditch.
- Maintain the original profile and cross section of the ditch when de-silting. If the gradient is altered it can change the flow pattern and increase flood risk either upstream or downstream.
- Temporarily depositing silt on top of the banks of the watercourse allows for organisms to migrate back into the ditch. It is, however, essential that this material does not then block the highway grips and that the material is not carried on to the road.

(d) **Consider the environment**

- Ditches can form very important habitats and may contain species of flora and fauna that are protected under the [Wildlife and Countryside Act 1981](#). Find out if protected species have been recorded on or near your land by contacting the Environment Agency's local Fisheries and Biodiversity Team.
- Landowners must ensure habitats of protected species recorded in ditches are not adversely affected by any works.
- Plan maintenance to ensure that stretches of habitat are left intact, e.g. trim alternate banks or lengths of ditch each year. This helps guarantee healthily vegetated areas to which fauna disturbed by maintenance can migrate without being forced to leave the ditches.
- In preparation for increased winter flows, ensure that the majority of clearance work is undertaken after the vegetation has begun to die back in late September/October. At this time of year, there should also be no wildlife nesting or breeding in or near ditches.
- Minimise the impacts of maintenance by using hand tools regularly to remove obstructions to the flow of water, rather than using heavy machinery that removes all vegetation.

Remember to stay safe

9. When undertaking works within or adjacent to a watercourse, landowners must assess their works to ensure that they can be done without putting themselves or others at any kind of risk. Due to the range of risks posed by both open and culverted watercourses, landowners should assess this on a case-by-case basis.

Make sure the works you do are legal

10. Whenever carrying out maintenance to watercourses and ditches, the works undertaken must be legal. General maintenance is unlikely to break the law, but if it is wished to alter the watercourse or ditch in any way, or build near it, permission from the regulating body (either the Environment Agency or Shropshire Council) and/or the relevant landowners is likely to be required. Any works undertaken without consent could result in civil action.