

2 Your rights and responsibilities

If you own land adjoining, above or with a watercourse running through it, you have certain rights and responsibilities. In legal terms you are a ‘riparian owner’. If you rent the land, you should agree with the owner who will manage these rights and responsibilities.





Your rights

- If your land boundary is next to a watercourse it is assumed you own the land up to the centre of the watercourse, unless it is owned by someone else.
- If a watercourse runs alongside your garden wall or hedge you should check your property deeds to see if the wall or hedge marks your boundary. If the watercourse marks the boundary, it is assumed you own the land up to the centre of the watercourse.
- If you own land with a watercourse running through or underneath it, it is assumed you own the stretch of watercourse that runs through your land.
- Occasionally a watercourse, especially an artificial one, will be the responsibility of a third party. This should be noted in your deeds.
- Water should flow onto or under your land in its natural quantity and quality. This means that water should not be taken out of a watercourse if it could lead to a lack of water for those who need it

downstream. It also means that a person cannot carry out activities that could lead to pollution of the water and therefore reduce the natural water quality within a watercourse. More information on the permissions required to abstract water from a watercourse (section 7) and what to do if you spot pollution in your local watercourse is included in this booklet.

- You have the right to protect your property from flooding, and your land from erosion. However, you must get your plans agreed with the risk management authority before you start work (see section 5).
- You usually have the right to fish in your watercourse using a legal method. Anyone aged 12 or over must have a valid Environment Agency rod licence. It is important to check what your rights are, because fishing rights can be sold or leased.

These rights are affected by your duty to other riparian landowners, the community and the environment.

Your responsibilities

- You must let water flow through your land without any obstruction, pollution or diversion which affects the rights of others. Others also have the right to receive water in its natural quantity and quality as explained in the Your Rights Section. You should be aware that all riparian owners have the same rights and responsibilities.
- You must accept flood flows through your land, even if these are caused by inadequate capacity downstream. A landowner has no duty in common law to improve the drainage capacity of a watercourse he/she owns.
- You should keep the banks clear of anything that could cause an obstruction and increase flood risk, either on your land or downstream if it is washed away. You are responsible for maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks. You should also clear any litter and animal carcasses from the channel and banks, even if they did not come from your land. You may need your risk management authority's consent for these works (see section 5). Your local authority can advise you on the removal of animal carcasses.
- You should always leave a development-free edge on the banks next to a watercourse. This allows for easy access to the watercourse in case any maintenance or inspection is required. In some areas local byelaws exist which explain what you can and cannot do within certain distances of a watercourse. For more information on works near watercourses you should contact your risk management authority.
- You must keep any structures, such as culverts, trash screens, weirs and mill gates, clear of debris. Discuss the maintenance of flood defences, such as walls and embankments, on your property with your risk management authority. They may be vital for flood protection.
- You should not cause obstructions, temporary or permanent, that would stop fish passing through.
- You have a legal obligation to notify the Environment Agency and the relevant risk management authority if you would like to build or alter a structure that acts as an obstruction to a watercourse. Under the Eel Regulations in some cases it may be an offence if you do not notify the

Environment Agency of the above.

- Please help to protect water quality. Do not use riverbanks to dispose of garden or other waste, where it could be washed into the river. This includes grass cuttings, which pollute the water.
- You are responsible for protecting your property from water that seeps through natural or artificial banks. Where this damages a flood defence, your risk management authority may require you to pay for repairs.
- You must control invasive alien species such as Japanese knotweed. Your local risk management authority can advise you on how to manage and control these species.
- Make sure any work you do on a watercourse fits with the natural river system. Work must not damage wildlife and wherever possible you should try and improve the habitat. Speak to the relevant risk management authority about wildlife and

nature conservation.

If you are not sure what you have to do and/or are new to living near a watercourse, ask your risk management authority for advice.

Your property may include a watercourse that runs in a culvert. You have the same responsibilities for the upkeep of the culvert as if it was an open watercourse.

If you do not carry out your responsibilities, you could face legal action.

If you see any activity that could damage the environment or increase flood risk, please report it to your risk management authority as soon as possible. Water and land pollution or blockages which increase the risk of flooding should be reported to the Environment Agency **incident hotline** on **0800 80 70 60** (Freephone*, 24 hour service). Do not report incidents by email as this could delay the response.

*Calls from mobile phones are charged at your network operator's rates.