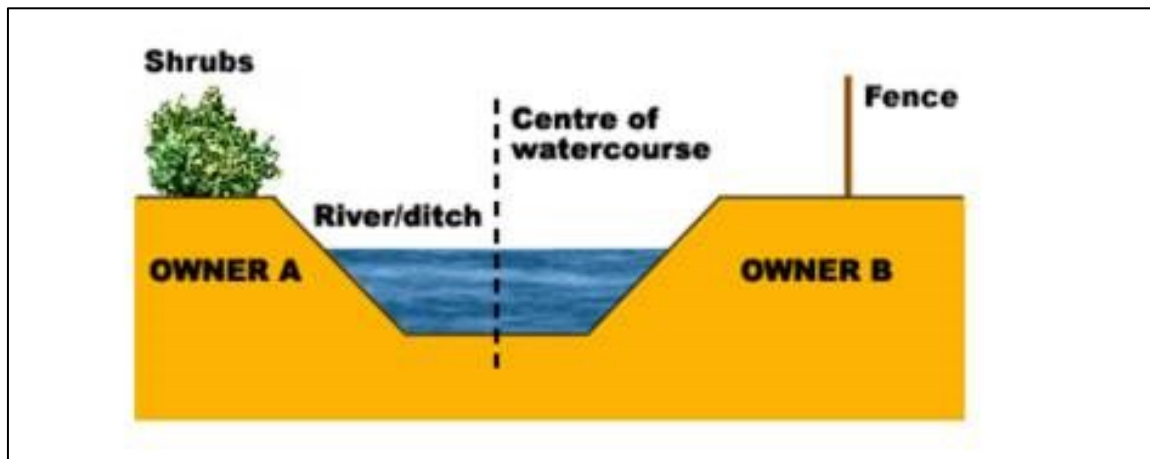


## RIPARIAN OWNERSHIP

### What is Riparian Ownership?

A 'Riparian Owner' is someone who has a watercourse within or adjacent to any boundary of their land. It is presumed that they own up to the centre of the watercourse unless it is known to be owned by someone else.



### Rights and Responsibilities

If you are a riparian owner, you have certain rights, but are also legally obliged to fulfil certain responsibilities under laws enacted to help manage flood risk and to protect the environment.

#### Rights of a riparian owner

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

#### Responsibilities of a riparian owner

- Let water flow naturally through their land without any obstruction, pollution or diversion which affects the rights of others.
- Remove blockages, fallen trees or overhanging branches from your watercourse, or cut back trees and shrubs on the bank if they could obstruct or affect a public right of navigation or reduce the flow or cause flooding to other landowners' property.
- You should leave all other trees, branches and shrubs as they can help prevent flooding by varying the shape and flow of the channel and reduce erosion.
- Keep any structures own clear of debris such as trash screens, culvert, weirs, and mill gates. Don't go inside a culvert as you could get trapped or poisoned by gases. If it needs clearing or repairing contact, you risk management authority for advice.
- You must accept flood water through your land, even if high water levels are caused by inadequate capacity downstream. Landowners downstream have the same responsibilities but like you have no obligation to improve it.

- You must protect wildlife and not disturb certain species or their habitats.
- You must also prevent any invasive species such as Japanese knotweed, Himalayan balsam, Chilean Rhubarb from spreading into the wild or onto neighbours' land. Further information can be found in [Invasive non-native \(alien\) plant species: rules in England and Wales - GOV.UK \(www.gov.uk\)](#)

If a landowner fails in their responsibilities, they may face legal action.

### **Most common problems affecting watercourses**

- Blockages that affect navigation or reduce the flow or cause flooding to other landowners' property
- Disposal or storage of garden or domestic rubbish, waste etc. on the banks of watercourses
- Failure to obtain consent for installing pipes or culverting of watercourse

### **Requirements before work is carried out to watercourses**

Riparian owners must be aware of the need to obtain the correct Consents and Permits before carrying out any works as failure to do so could result in fines and legal action being taken against them.

- A Flood Risk Activity Permit will be required if works are undertaken in, over or within 8 metres of a Main River by the Environment Agency (EA). Works in and around Ordinary Watercourses will require formal consent from South Gloucestershire Council
- Works to 'Rhines' or watercourses within the remit of the Lower Severn Internal Drainage Board (LS IDB) will require formal consent.
- Works on any watercourse may require planning permission which your Local Planning Authority will be able to advise on.
- Ditch spoil is categorised as 'Medium Level Hazardous Waste' so advice on how to best dispose of this material will need to be sought from the Environment Agency (EA).
- A number of species and nesting birds are protected by law and disturbing them is a serious criminal offence. Further advice should be sought from Natural England and/or the Local Wildlife Trust.

### **Enforcing the law**

To reduce the risk of flooding, South Gloucestershire Council aims to improve and maintain an effective watercourse system through a process of co-operation, liaison, advice and assistance wherever possible. Legal action will only be used where other methods have not succeeded in reducing the flood risk.

### **Advice, Guidance & Further Information**

If you are unsure whether or not you have riparian ownership responsibilities over a watercourse then in the first instance we would advise checking the title deeds of your property.

Further information can be found in the [Owning a watercourse](#) page on the GOV.UK website that has been produced by the Environment Agency (EA) and details the rights and responsibilities of riparian ownership.