



xfordshire
Be Ready...



RIPARIAN OWNERSHIP

A guide to living beside a
watercourse in Oxfordshire



**OXFORDSHIRE
COUNTY COUNCIL**

Riparian owner responsibilities

1. To maintain the watercourse and to clear any obstructions (natural or otherwise) so the normal flow of water is not impeded.

It is the responsibility of the riparian owner to clear any debris from their stretch of the watercourse. Obstructions may be man-made or natural, but the riparian owner is responsible for keeping the watercourse clear of litter, grass cuttings, animal carcasses and fallen trees, etc. even if it is not their fault that the debris is there.





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

Structures must be properly maintained and kept clear of any debris which could obstruct the free flow of water on your land or be washed away to block a structure downstream.

If a riparian owner wishes to build a new structure (for example, a boardwalk) that encroaches upon the watercourse or alters the flow of water, then permission should be received from the local council or the Environment Agency.

Where a watercourse marks the boundary between adjoining properties, each riparian owner normally owns the land up to the centre line of the watercourse.

3. To maintain the banks and bed of the watercourse (including any trees and shrubs growing on the banks) and any flood defences that exist on it.

Riparian owners must not alter or divert the water flow without permission as this might affect properties downstream. Where flood defences have been installed onto the property, it is the property owner's responsibility to maintain them. Advice and assistance is available from local councils or the Environment Agency.

4. To accept the natural flow from upstream neighbours and transfer it downstream without obstruction, pollution or diversion.

A riparian owner must accept flood water through their land, even if high water levels are caused by inadequate capacity downstream. All landowners have the responsibility to maintain the drainage capacity of their own stretch of watercourse but, they have no obligation to improve it.

Considering undertaking riparian owner work?

- Check whether permission is required from the local council or Environment Agency.
- Find out the best times to undertake maintenance activity: the Environment Agency should be able to advise in which seasons to take action.
- Safety first: consider the safety of those undertaking work and those around you.

If you are unsure whether you are the riparian owner of the watercourse running through your land, check the title deeds of your property.

What is a riparian owner?

A riparian owner is someone who owns property which is next to a watercourse or has a watercourse running through it. Under common law, riparian owners have certain rights and responsibilities relating to the stretch of watercourse that flows through, or alongside, their land – and that's not just farmers.

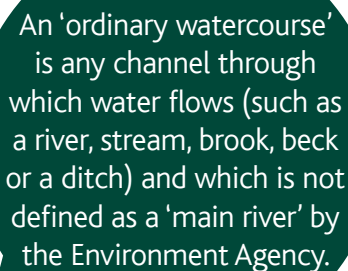
Some riparian owners may not realise that the ditch at the bottom of their garden belongs to them, so making them responsible for its maintenance.

Riparian owners have certain rights, but are also legally obliged to fulfil certain responsibilities under laws enacted to help manage flood risk and protect the environment.

Riparian owner rights

- 1. Riparian owners have the right to receive a flow of water in its natural state, without undue interference in quantity or quality.**

If you believe that landowners upstream or downstream have altered or redirected the watercourse you share, and that this is affecting the flow of water through your land, you may wish to contact your local council for advice. Other people are not necessarily entitled to discharge water into your watercourse and permission should be sought from the landowner and the local council and/or the Environment Agency.



An 'ordinary watercourse' is any channel through which water flows (such as a river, stream, brook, beck or a ditch) and which is not defined as a 'main river' by the Environment Agency.

2. Riparian owners have the right to protect their property from flooding from the watercourse and to prevent erosion of the watercourse banks or any nearby structures.

CHECK: For most works within 8 metres of a watercourse you must apply for formal consent from the Environment Agency.

They will look at the surrounding area and make sure that what you are planning to do will not cause an adverse effect either upstream or downstream. The Environment Agency will also assess whether any works are likely to affect the local environment, fisheries and wildlife, which they have a duty to protect.

The Environment Agency manages the maintenance of 'main rivers'. All other watercourses are overseen by your local council.

Need more information?



**OXFORDSHIRE
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**Environment
Agency**

Environment Agency

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