

Riparian Owners

Under Common Law if a watercourse, whether open or piped/culverted, runs through or borders a person's property, that person is defined as a riparian owner and as such has a responsibility to maintain that watercourse and keep it free of obstructions to the flow.

Land ownership is sometimes unknown, disputed or difficult to work out. To find out who owns certain parcels of land (and therefore whether or not they have a riparian responsibility), title registers and title plans can be obtained from the Land Registry online services. Often developers will leave a strip of land (this can be several metres wide) behind a property to allow for watercourse maintenance, but the land is normally registered to the adjacent property and as such they are still the riparian owner.

- 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, though this may not always be the case.
- If you rent your property your tenancy agreement should detail whether the maintenance responsibility lies with yourself or the landlord.

Your rights and responsibilities

Your rights

- You have the right to discharge your surface water drains into the watercourse, this will need consent. This could reduce your water rates.
- You have the right to receive water in its natural quantity and quality from upstream. 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.
- 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



Your responsibilities

- You must let water flow through your land without any obstruction, pollution or diversion which affects the rights of others. 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 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.
- 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 have a legal obligation to notify and gain consent from Sefton Council or the Environment Agency if you would like to build or alter a structure that acts as an obstruction to a watercourse.
- Do not use the banks to dispose of garden or other waste, where it could be fall into the river causing blockages and pollution. 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.
- 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.