



Newark and Sherwood District Council

WATERSIDE LIVING

in Newark and Sherwood

Riparian 1. *Relating to, or located, on the banks of a river or stream.*
2. *Situated, or taking place, along or near the bank of a river.*



Am I a riparian owner?

If you own land on either or both sides of an 'ordinary watercourse' (not a main river) then you are the riparian owner under common law.

If the water is between your land and a neighbouring property you will both be responsible up to the middle of the channel. This ensures equal responsibility for the water, if no single owner such as the Environment Agency, is responsible for it all.

How can I find out which land I own?

If you are not sure where the border of your land is you could ask your neighbours or contact the Land Registry www.landregistry.gov.uk

What are my responsibilities?

You have a duty under the Land Drainage Act 1991 to ensure that water flows freely through any watercourse. Local authorities have legal powers to ensure riparian owners maintain a proper flow of water.

In addition, the Environment Agency advises that you **should not:**

- obstruct, pollute or divert the watercourse in a way which could affect the rights of others, or cause any obstructions to the free passage of fish.

The Environment Agency advises that you **have a responsibility to:**

- accept flood water through your land, even if this is caused by problems downstream, as there is no common law duty to improve a watercourse
- maintain the bed and banks of the watercourse, including trees and shrubs growing on the banks
- clear any debris, including litter and animal carcasses, even if it did not come from your land
- keep the bed and banks clear from anything that could cause an obstruction either on your land or by being washed downstream
- protect your property from water seeping through natural or man-made banks. If this may damage a flood defence structure, the Environment Agency may take action

- preserve access to the banks of rivers and streams for maintenance and safety purposes. You may need to ensure that fencing and vegetation do not prevent access.

Common problems affecting ordinary watercourses.

- Uncontrolled growth of vegetation.
- Disposal or storage of household or garden waste on the banks.
- Installing pipes, diverting or culverting of watercourses without appropriate consent. Please contact us beforehand for advice.
- Building works or planting within nine metres of the bank, or anywhere on a river floodplain, without appropriate consent. Please contact the Environment Agency, and Newark and Sherwood District Council before carrying out any such works.



What are my rights?

You have the right to:

- receive the flow of water without undue interference in the water quantity or quality
- protect your property against flooding
- protect the watercourse banks or any structures against erosion.

I'm the tenant of my home. Is this my responsibility?

It's unlikely, though you should be careful not to allow things like rubbish or grass cuttings to get into the watercourse as this may cause a blockage. You should check your tenancy agreement or ask your landlord.

Are all watercourses maintained by landowners?

No, all 'main rivers' (such as the Trent) are generally looked after by the Environment Agency. Other rivers and smaller watercourses may be looked after by the Internal Drainage Boards. Some may be looked after by district and county councils.

What about the drains at the side of the road (road gullies/grates)?

Road gullies drain water from the road to prevent it from flooding. With the exception of private unadopted roads, these are the responsibility of Nottinghamshire County Council. Road gullies don't drain water from your home. If there is a gully nearby which is not draining water away, you should call the county council on 08449 808080.

Do water companies have anything to do with dykes and watercourses?

Water companies such as Severn Trent look after the mains water supplies and sewerage services to homes and businesses. They do not generally look after open watercourses.

What if a flood happens?

Sadly, we can't yet prevent flooding completely, but there are services there to help you in emergencies.

Floodline	0845 988 1188	For flood warnings
Emergency Planning Department Newark and Sherwood District Council	01636 650000	For help in emergency flooding situations
National Flood Forum	01299 403055	Help for those flooded or at risk of flooding



This leaflet is intended only as a guide, for more information contact Newark and Sherwood District Council on 01636 650000 or visit www.newark-sherwooddc.gov.uk/drainage www.newark-sherwooddc.gov.uk/riparianownership