



Environment
Agency



Your watercourse: rights and roles

[gov.uk/guidance/owning-a-watercourse](https://www.gov.uk/guidance/owning-a-watercourse)

Your watercourse: rights and roles

If you own or occupy land or property adjacent to a river or other watercourse in England, this guide is for you.

In this guide, we'll clarify your roles and responsibilities, and how these are shared between riparian landowners and others, such as the Environment Agency, Lead Local Flood Authorities (unitary, county or district) and Internal Drainage Boards. We will also show how you can work with the Environment Agency to reduce flood risk and protect and enhance the natural environment of our rivers and streams.



What is a watercourse?

A watercourse can be a river, brook, beck, ditch, stream, leat, goyle, rhyne or culvert (an underground structure that water can flow through). Some watercourses may be natural, while others are engineered, for example, concrete channels. It's important to note that water does not have to flow at all times of the year for it to be considered a watercourse.

Some watercourses in England are designated as 'main rivers'. These tend to be larger rivers and streams, although in some cases can be small watercourses or drainage channels. The Environment Agency, using its permissive powers, carries out maintenance, improvement or construction work on main rivers to manage flood risk and has consenting and enforcement powers for the same purpose. For all other watercourses, called 'ordinary watercourses', these powers lie with the lead local flood authority or sometimes with the Internal Drainage Board.

Do I own a watercourse?

You are a riparian owner for a stretch of the river or other watercourse if it:

- Runs through or under your land; or
- Is on the boundary of your land. Unless official documents, such as property deeds, state otherwise, it is assumed you own up to the centre of the watercourse.ⁱ

Landowners may ask tenants or occupiers to undertake some riparian responsibilities on their behalf. This may be stated in the tenancy agreement. However, the ultimate riparian responsibility remains with the landowner.

Land ownership is sometimes unknown, disputed or difficult to work out. To find out who owns certain parcels of land, you can contact Land Registry.ⁱⁱ



What are my rights and responsibilities?

You have the right to:

- Receive flow of water in its natural state, without undue interference in quantity or quality.
- Protect your property from flooding and your land from erosion. As long as it doesn't increase flood risk to other people's property or impact other sources of flooding or drainage. In many cases, you will need the consent of the Environment Agency, Lead Local Flood Authority, or Internal Drainage Board before starting any works.
- Fish in your watercourse, although you may need to check your deeds to confirm if fishing rights have been sold or leased first. Fishing must be by legal methods and with an Environment Agency rod licence.ⁱⁱⁱ
- Abstract a maximum of 20 cubic metres of water per day from a watercourse at a point that directly adjoins your land. If you plan to take more than 20 cubic metres per day, you are likely to need an abstraction licence from the Environment Agency.^{iv}



You are responsible for:

Letting water flow naturally

- Maintain the flow of the watercourse without pollution, diversion affecting the rights of others, or significant obstruction.
- Maintain the bed and banks of the watercourse (including trees and shrubs growing on the banks), clearing anything which could cause an obstruction large enough to increase flood risk.
- Keep structures you own clear and free from obstruction such as culverts, trash screens, weirs and mill gates.
- Obtain relevant permission for any planned work on or near a watercourse.
- Any work that could temporarily or permanently change the level or flow of water may be classed as impoundment and need a licence.¹

Preventing pollution

- Don't allow the watercourse to become polluted. This includes putting garden waste into the channel, or on the banks.
- Don't throw wastewater, chemicals, or anything else which could cause pollution on the banks or in the water.
- You must apply to use herbicides to control weeds in water or on the banks next to a waterbody or watercourse.¹



You are responsible for:

Protecting wildlife

- Prevent invasive species, such as Japanese knotweed, Himalayan balsam or giant hogweed from spreading into the wild or onto neighbours' land.¹
- Do not cause obstructions to the free passage of fish.
- Ensure works carried out are in-keeping with the natural river system – work must not damage wildlife and every opportunity should be sought to improve the habitat.
- Take reasonable steps to ensure you don't harm or kill wildlife. You must not cause environmental harm.

Reporting incidents

We encourage you to call the Environment Agency 24 hour Incident Hotline on 0800 80 70 60 to report:

- Flooding
- Blockages which could cause flooding
- Pollution
- Unusual changes in the flow of water
- Collapsed or badly damaged banks
- Any work or activity on or near a watercourse that does not have permission

The Environment Agency will attend incidents with a high risk of flood or environmental risk.

How can I take care of my watercourse?

Always consider your health and safety when taking care of your watercourse, and never put yourself at risk.

The different types of maintenance and management activities you can consider to look after your watercourse are:

- **Vegetation management** – grass cutting, weed cutting, pruning trees, invasive species control and planting marginal vegetation.
- **Channel clearance** – removing trees and branches which could increase flood risk, or removing litter.
- **Channel maintenance** – repairing banks, controlling livestock or improving the river habitat.

Maintenance such as weed cutting can help maintain the flow of water along a watercourse, whilst grass cutting on an embankment can help protect and bind it, providing a more resilient surface. However, please consider the environmental impact of your maintenance, if it is sustainable and any potential impacts to those downstream.

Think about timing

- Avoid impacting other users of the river.
- In-channel weed cutting should ideally take place late in the summer or autumn (weather and flow levels permitting), to ensure the most benefit for winter conveyance and to avoid the bird nesting and fish spawning seasons.
- Tree and bush work can usually be carried out between September and mid-February, unless nesting birds are present.



Please contact the relevant authority for any further support on the most appropriate timing of work on your watercourse.

You should:

- Remove litter from the banks.
- Remove any man-made rubbish and debris that has accumulated in the channel, for example shopping trolleys, tyres, litter, and household rubbish. Contact your local authority to find out about disposal.
- Remove large branches and tree trunks that might obstruct the channel and increase flood risk.

It's important to note that if a blockage on your section of watercourse was found to be the cause of flooding, then you could be liable.

- Deposit any cut vegetation away from the top of the bank and do not block entrances to animal burrows.
- Ensure your work will not impact wildlife – both animals and plants. You can check with local wildlife groups or the Environment Agency about which species may be present along your watercourse.
- Check with your local planning authority to ensure there are no Tree Preservation Orders on any trees you are planning to carry out works on.
- Avoid limiting or blocking access to any authorities who may need to carry out routine or emergency works.

Where possible:

- Leave smaller dead tree branches and roots in the channel – they provide particularly good habitat for fish and invertebrates.
- If in-channel weed cutting is necessary, keep some marginal vegetation on both sides of the channel. As a minimum, marginal vegetation on one side of the channel should be left uncut. Lightly vegetated channels are unlikely to require management.

Maintenance on farmland

- Remove animal carcasses.^v
- Leave a margin, or buffer strip, of long grass and taller plants between the edge of your crop or other managed land and the top of the watercourse bank. This buffer strip will slow, trap and filter fine sediment and pollutants.
- Provide water troughs to prevent livestock drinking from watercourses, or create a specific area for them to access the water.



You should not:

- Allow invasive, non-native plant fragments to spread or float downstream during your works.
- Leave clippings in the channel or allow large amounts of plant fragments to float downstream. If you leave them in the water they will decay, which may reduce oxygen for fish and invertebrates.
- Cut in-channel weeds in very hot weather and/or during low river flows, as the risk of causing environmental damage, such as killing fish, is much higher.
- Disturb silt or gravel as the risk of causing environmental damage, such as killing fish or damaging spawning grounds, is much higher.
- Put garden waste, including grass cuttings, on the banks or into the water. This could introduce invasive species into the natural habitat or deoxygenate the water.
- Reduce or inhibit the flow downstream, as this may cause environmental harm.
- Increase the flood risk to others by increasing flow downstream or by excavating or raising banks adjacent to property.
- Let livestock get into the channel and trample or damage banks. Cattle, for example, can have a significant impact on the integrity of embankments and flood defences by reducing grass cover or damaging the structure.

At the Environment Agency, we want to support you with your maintenance works. If you have questions or need any advice, please contact us to discuss works and we will do our best to help.

Flood defences

Something on your land may be important to prevent flooding and be listed as a flood defence asset. You may have a structure or feature on your land that helps manage the risk of flooding or coastal erosion. These could be any natural or man-made structures or features, such as walls, buildings, earth embankments, shingle banks, or raised areas of land.

You may be responsible for maintaining and repairing a flood defence on your land, or at the very least not causing any damage, for example by installing structures such as fence posts. If you are unsure, you can check with the relevant authority. On main rivers, the authority is the Environment Agency. For any other watercourse, the authority will be either your Lead Local Flood Authority or the Internal Drainage Board.

Some flood defence structures can often be owned by multiple landowners and therefore the responsibility for their maintenance is shared. Where this is the case, it is helpful to work with other owners on a joint approach, to ensure that any work you do on your own section is complemented by work on other sections.

Not all flood defences are obvious, and some may not even be next to watercourses. For example, many flood storage reservoir embankments do protect communities from flooding, but are not near a watercourse. If you are unsure whether a structure or embankment on or near a main river has a flood defence purpose, please check the Environment Agency's mapping system.^{vi}

For structures on any other watercourse, speak to your Lead Local Flood Authority or Internal Drainage Board.

What happens if an authority stops maintaining a flood defence on my land?

The Environment Agency can stop maintaining and operating these defences if the cost is judged to outweigh the benefits. We will contact you if you're likely to be affected by these changes.

On a main river, you can find out what to do if the Environment Agency stops maintaining a flood defence, here www.gov.uk/guidance/flood-and-sea-defences-when-maintenance-stops

On any other watercourse, contact your Lead Local Flood Authority (unitary authorities or county councils) by visiting www.gov.uk/find-local-council or [Internal Drainage Board www.ada.org.uk/](https://www.ada.org.uk/).



How can I manage my watercourse sustainably?

Watercourses can be vital to maintaining land drainage for food production and to reduce flood risk, but any work on them must be undertaken in an environmentally sensitive way.

Scientific evidence has proven that more natural and sustainable management often affords greater flood protection to people and property, while also providing significant benefits to wildlife, water quality and the landscape.

We take enforcement action where necessary, ranging from requiring riparian owners to restore damage, through to prosecution^{vii}. However, we always prefer to work together. We can provide pre-application permit advice about how watercourses can be managed sensitively to improve habitat and reduce flood risk. This includes advising on the method and timing of river maintenance and watercourse improvements so that they:

- Support as much wildlife as possible.
- Are in the best condition to adapt to our changing climate.
- Where possible, reduce flood risk and improve water quality by working with natural processes.^{viii}

We want to ensure the right people are managing the right watercourses and assets in the right places – this means we must be flexible in our approach and consider all the options. Everyone has a role to play to ensure sustainability. Working in partnership with communities and local partners is key to achieving this.

Our annual maintenance programme includes a range of activities that are prioritised and timetabled using information from inspections, maintenance standards, levels of flood risk and from legal and statutory obligations.^x

Do I need permission?

If you wish to undertake certain types of work on a watercourse, then you need permission from the appropriate authority before any work begins. For main rivers, this is the Environment Agency. For any other watercourse this will be your Lead Local Flood Authority or Internal Drainage Board.^x

Work on or near main rivers and sea defences is regulated by The Environmental Permitting (England and Wales) Regulations 2016, and you may need a Flood Risk Activity Permit from the Environment Agency to carry out works.

You must find out which permits and licences you need to undertake works in, under, over and/or within eight metres (16m if tidal) of a main river watercourse, including maintaining, repairing, building, or removing anything in or around a watercourse.

How do I get a permit?

There are three ways to get permission to do your work.^{xi xii} You can either:

1. Apply for a ‘standard rules permit’ – permits that include a set of fixed rules for common activities.
2. Apply for a ‘bespoke permit’ – for all other flood risk activities. These are permits that are tailored to the risks of your activities.
3. Register for an ‘exemption’ – you do not need a permit, but you must still register your exemption with the Environment Agency. Exemptions are required for low-risk activities that can meet several conditions.

What are the exemptions?

Your activity will be exempt^{xiii} from needing a permit if:

- Your activity meets the description and conditions of one of the exempt flood risk activities.
- You register your exemption with the Environment Agency before you carry out any work.

It is **free** to register an exemption. Visit: <https://register-flood-risk-exemption.service.gov.uk/>.

There are also some excluded activities which you don't need a permit for, but you must still comply with certain conditions. Some examples of excluded activities include^{xiv}:

- Works in an emergency, by which we mean an unplanned intervention e.g., where there is an imminent serious risk to flooding, drainage or the environment.
- Using ladders or scaffold towers if they are taken down at the end of each day.
- Installing flood protection products such as flood doors and airbrick covers.

What about works on other watercourses?

Works affecting watercourses that aren't classed as a main river may require a Land Drainage Consent from your Lead Local Flood Authority or Internal Drainage Board.

Only certain types of works require consent, under the Land Drainage Act, such as constructing or altering a mill, dam, weir, and any culvert which is likely to affect the water flow.

- Both permanent and temporary works affecting the flow of a watercourse may require consent.
- There may also be additional byelaws that you will need comply with.

Please contact your Lead Local Flood Authority (unitary authorities or county councils) by visiting www.gov.uk/find-local-council or Internal Drainage Board www.ada.org.uk/ to find out more.

These authorities also have powers to enforce unpermitted work or require remedial action if all relevant consents and conditions are not followed.

We encourage you to contact the relevant authority in advance of applying for a Land Drainage Consent so they can discuss your requirements and provide advice to help you with your application.

Please note: You do not have the right to enter land or property owned by someone else to carry out your work. You need to get the owner's permission. Even if works are exempt, you must ensure you comply with all other legislation, which may be required in law prior to you commencing the work, particularly with regards to protected species or habitats.

You are solely responsible for ensuring that your designs meet all applicable standards and are fully compliant with current legislative requirements.

What powers to authorities have?

The responsibility of managing flood risk is jointly owned between a number of bodies known as Risk Management Authorities.

The Flood and Water Management Act 2010 requires these Risk Management Authorities to co-operate with each other and exchange information. They have flexibility to form partnerships and to act on behalf of one another.^{xv}

The role of the Environment Agency

In England the Environment Agency has the strategic overview for flood risk and managing the risk from main rivers, reservoirs and the sea. The Environment Agency has permissive powers to maintain and improve main rivers, which tend to be larger watercourses, for the efficient passage of flood flow and the management of water levels. As these powers are permissive only, the Environment Agency is not obliged to carry out either maintenance or new works on main rivers. We use our funding to do work where it provides the greatest reduction to flood risk to protect people, property, and wildlife.

Our maintenance work can include:

- Grass cutting and weed control.
- Removing obstructions from rivers.
- Repairing and operating sluice gates and pumping stations.

Maintenance of a watercourse is unlikely to be carried out by the Environment Agency for amenity only, or to stop erosion where this does not threaten our flood defence assets or other structures. The Environment Agency has powers to construct and maintain defences against flooding, to issue flood warnings, and to manage water levels.

The role of Lead Local Flood Authority

Lead Local Flood Authorities (unitary authorities or county councils) are responsible for local flood risk management. This means ensuring risks of flooding from surface water, groundwater and ordinary watercourses are identified and managed as part of a local flood risk management strategy.



They have powers under the Land Drainage Act 1991 to regulate ordinary watercourses (outside of internal drainage districts) to maintain a proper flow by issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses; and enforcing obligations to maintain flow in a watercourse and repair watercourses, bridges and other structures in a watercourse. Where required, this can include serving suspension notices, removing unpermitted structures or prosecuting where in the public interest.

Lead Local Flood Authorities must also investigate significant local flood incidents and publish the results of such investigations, act as a statutory consultee for surface water drainage schemes and maintain a register of asset in the area.

Unitary authorities will also undertake the role of District Councils.

The role of District Councils

District Councils are key partners in planning local flood risk management and can carry out flood risk management works on minor watercourses, working with Lead Local Flood Authorities and others, including through taking decisions on development in their area which ensure that risks are effectively managed.

The role of water companies

Water companies play a major role in managing flood and coastal erosion risks. They manage the risk of flooding to water supply and sewerage facilities, and flood risks from the failure of their infrastructure.

The role of Internal Drainage Boards

Each Internal Drainage Board is a public body that manages water levels in an area, known as an internal drainage district, where there is a special need for drainage.

They undertake works to reduce flood risk to people and property, and manage water levels for agricultural and environmental needs within their district.

[LOCAL ADAPTABLE SECTION] include any local relevant information, things like byelaws or where to find them.^{xvi}

Where can I get support?

Environment Agency

For general enquiries, call our Customer Service Line on 03708 506 506 Monday to Friday, 8am to 6pm, or email enquiries@environment-agency.gov.uk.

Call our 24 hour Incident Hotline on 0800 80 70 60 to report an incident such as flooding or pollution.

Find out more information on owning a watercourse by visiting our website:
<https://www.gov.uk/guidance/owning-a-watercourse>.

[LOCAL EA INFO]

Lead Local Flood Authorities

Your Lead Local Flood Authority will be your local unitary authority or county council. Find out more information on who your Lead Local Flood Authority is by visiting <https://www.gov.uk/find-local-council>.

[LOCAL CONTACTS SECTION] include details on LLFAs, District Councils if relevant

Internal Drainage Boards

Find out more information on who your local internal drainage board by visiting the Association of Drainage Authorities (ADA) https://www.ada.org.uk/member_type/idbs/

[LOCAL CONTACTS] include details on local IDBs if relevant

Local Government Ombudsman (LGO)

Complaints regarding the operations of the Environment Agency, a local authority or Internal Drainage Board can be made to the LGO. The LGO can be contacted once the respective authority's complaints procedure has been exhausted and the matter hasn't been satisfactorily resolved. It is a free service. You can contact the Ombudsman on 0300 061 0614 or visit www.lgo.org.uk

Agricultural Land and Drainage Tribunal

Where you experience flooding caused by blocked drainage channels/ditches or inadequately drained land, the Agricultural Land and Drainage Tribunal may be able to help. They can arbitrate where there are land drainage or watercourse maintenance disputes between landowners or occupiers. It is currently free to make an application to the tribunal. For more information, please visit:
<http://www.gov.uk/guidance/agricultural-land-and-drainage-disputes-apply-to-a-tribunal>.

Country Land and Business Association

The Country Land and Business Association provides support and advice to landowners and Rural Businesses members. Please visit <https://www.cla.org.uk> to find out more about how they can help.

National Farmers Union (NFU)

The NFU is the largest representation body for agriculture and horticulture in England and Wales. NFU members who have queries on riparian ownership rights and responsibilities can call NFU CallFirst on 0370 845 8458 for assistance.

ⁱ Find out if your watercourse is classed as main river online here:

<https://www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions>

ⁱⁱ <https://www.gov.uk/guidance/contact-hm-land-registry>

ⁱⁱⁱ A rod licence should be obtained either here www.gov.uk/fishing-licences or from a Post Office.

^{iv} Please visit www.gov.uk/guidance/water-management-abstract-or-impound-water for more information about these licences.

^v <https://www.gov.uk/guidance/fallen-stock>

^{vi} <https://environment.data.gov.uk/asset-management/index.html>

^{vii} Find out more about enforcement here <https://www.gov.uk/guidance/how-youll-be-regulated-environmental-permits#enforcement>

^{viii} You can find out more here <https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/working-with-natural-processes-to-reduce-flood-risk>

^{ix} You can view the main river maintenance planned in your area using the interactive map:

<https://www.gov.uk/government/publications/river-and-coastal-maintenance-programme>

^x Find out if your watercourse is classed as main river online here

<https://www.gov.uk/government/collections/main-river-map-for-england-proposed-changes-and-decisions>

^{xi} If you are not sure if you need a permit, please send details of your project to the Environment Agency at enquiries@environment-agency.gov.uk. You should receive a response within 10 working days.

^{xii} To find out more about how to apply for a permit please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

^{xiii} Find out whether your flood risk activity might be exempt here:

<https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities>

^{xiv} More information and a full list of excluded activities can be find online, here:

<https://www.gov.uk/government/publications/excluded-flood-risk-activities-environmental-permits/excluded-flood-risk-activities>

^{xv} <https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities>

^{xvi} Find out more about authorities' roles and responsibilities to manage flood risk online

<https://www.local.gov.uk/topics/severe-weather/flooding/local-flood-risk-management/managing-flood-risk-roles-and>