

Watercourse Management

Factsheet for Riparian Owners

Am I a riparian owner?

If you own land adjoining or above a watercourse, or you have a watercourse running through your land, you have certain rights and responsibilities under Section 25 of the **Land Drainage Act 1991**.

In legal terms you are a '*riparian owner*'.

If you rent the land you should agree with the owner who should manage these rights and responsibilities.

It is possible to be a riparian owner without actually owning the watercourse itself.

If you do not carry out your responsibilities, we can request that you maintain the watercourse and you could face legal action.

What are your rights?

You have the right to protect your property from flooding and your land from erosion.

Please remember these rights do not remove your duty to other riparian landowners, the greater community, wildlife and the environment.

You must get your plans agreed by the relevant Risk Management Authority before you start work.

What are your rights and responsibilities?



What are your responsibilities as a riparian owner?

- You are responsible for getting the permissions and licences you need to work on or near a watercourse.
- You must let water flow naturally.
- You should keep the banks clear of anything that could cause an obstruction or increase flood risk, either on your land or downstream. This includes trees and shrubs growing on the bank as well as litter, even if it did not originate from your land.
- You should keep structures such as culverts, trash screens, weirs and mill gates, clear of debris.
- You should always leave a development-free edge on the banks next to the watercourse. In some areas, local byelaws may also exist. This is at least 8 metres from any main river or 9 metres for all other ordinary watercourses in Milton Keynes.
- You must not pollute the water.
- You must not disturb certain species and habitats, birds and their nests or cause obstructions that would stop fish passing through.

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What is a watercourse?

A watercourse is defined as any channel through which water flows. This includes every river, drain, stream, ditch, dyke, cut, sluice, culvert, sewer (other than public sewer) or passage.

It is important to remember that water does not need to flow at all times for it to be considered as a watercourse.

Watercourses can be classified as:

- *Main Rivers* - usually larger rivers and streams.
- *Ordinary Watercourses* - smaller watercourses, ditches and drains through which water flows that do not form part of main rivers.

Watercourses play a crucial role in managing flood risk to people and property in Milton Keynes. That is why it is important to ensure they are carefully managed.

More information

For more information please contact us at Milton Keynes Council, Lead Local Flood Authority, Old Wolverton, MK12 5QF.

Email: llfa@milton-keynes.gov.uk

Alternatively, refer to the 'Owning a Watercourse' guidance, which is available from the Environment Agency website.

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What is a watercourse and who regulates them?



Who regulates different types of watercourses?

Different watercourses are regulated by different **Risk Management Authorities (RMA)**.

The **Environment Agency** is the RMA for watercourses designated as 'main river'. If you are planning to carry out work on, over, under or near a main river, you will need to discuss your plans with them.

Internal Drainage Boards (IDBs) are the RMA for ordinary watercourses within their drainage districts. If you are planning to carry out work near or within an ordinary watercourse in an IDB area, you will need to discuss your plans with them before you start work.

For ordinary watercourses in the Borough of Milton Keynes, outside an IDB area, the RMA is **Milton Keynes Council**.

The process for works on or near to all ordinary watercourses in the Borough of Milton Keynes is managed by the **Bedford Group of Internal Drainage Boards** on behalf of Milton Keynes Council.



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