

LIVING IN CROYDON



Do you have a river, ordinary watercourse, ditch or culvert running through, underneath or alongside your property?

If so, you are likely to be the riparian owner for the stretch within your property boundary and this guide is for you.

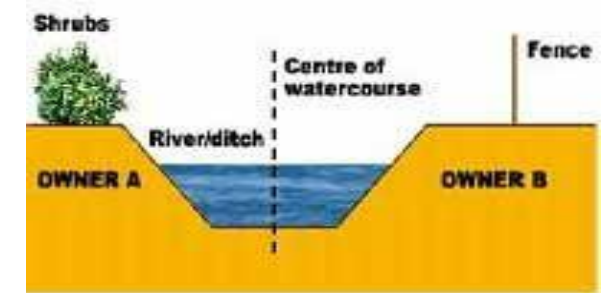
Riparian owners

Someone who owns a property which is next to a watercourse or has a watercourse running through or underneath it is called a **riparian owner**. Under common law, riparian owners have certain rights (having evolved from disputes in the past to become law), relating to the stretch of watercourse that flows through, alongside or underneath their land.

As well as having certain rights to the watercourse, riparian owners have their own duties and responsibilities which they are legally obliged to fulfil under laws enacted to help manage flood risk and protect the environment.

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

Where the land on the other side of the watercourse is not in your ownership, unless the Title Deeds states otherwise you are presumed to be the joint riparian owner together with the landowner on the other side. Even if the watercourse does not fall inside your property boundary (e.g. if it is on the other side of your fence, wall or hedge), you are presumed to own up to the centre line of the watercourse and therefore is responsible up to this point (see diagram below).



Rights of a riparian owner

- To receive a flow of water in its natural state, without undue interference in quantity and quality.
- To protect your property against flooding from the watercourse and protect your land from erosion.

Responsibilities of a riparian owner

- To maintain the watercourse and to clear any obstructions (natural or otherwise) so the normal flow of water is not impeded.
- To accept the natural flow from your upstream neighbour and transfer it downstream without obstruction, pollution or diversion.
- 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.
- To maintain any approved structures on your stretch of the watercourse including culverts, weirs and mill gates.

- To keep the bed and banks clear from any matter that could cause an obstruction and clearing any debris, natural or otherwise, even if it did not originate from your land.

If you are unsure whether you are the riparian owner of the watercourse running through, alongside or underneath your land, check the title deeds of your property or contact the Land Registry for advice.

Your responsibilities as a riparian owner are based on the following legislations:

- The Public Health Act 1936
- The Land Drainage Acts 1991 & 1994
- Water Resources Act 1991
- Nation Rivers Authority (now the Environment Agency) Land Drainage bylaws 1981

Liabilities of a riparian owner

If you do not maintain the watercourse or any asset within it, we can request that you do so. Should you fail to do so, we may maintain them for you and take legal action to seek to recover our costs.

The maintenance and clearance of ordinary watercourses are vital to local flood risk management and we cannot stress enough the importance of regular maintenance.

Making changes to a watercourse

A riparian owner may not carry out any work, other than general clearing and routine maintenance (such as the removal of weeds or debris) in or adjacent to a watercourse without the consent of the regulating body. For more information about watercourse consenting, please visit our website at www.croydon.gov.uk/flooding.

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.

Note: Do not assume that because you have never observed water flowing in a watercourse running through, alongside or underneath your property it is not serving a drainage purpose. Some ditches will only fill with water during extreme events to channel water away from properties.

In Croydon, some of our larger rivers are designated 'Main River' which includes:

- The River Wandle
- Caterham Bourne
- Merstham Bourne
- Norbury Brook
- Chaffinch Brook

There are numerous other smaller ditches, streams and culverts, many unnamed which are ordinary watercourses.

This leaflet has been produced as a guide for riparian owners and is not a complete statement of the law.

For more information and advice on your rights and responsibilities, please refer to the Environment Agency document 'Living on the edge' by visiting www.environment-agency.gov.uk.

You can also visit our website at www.croydon.gov.uk/flooding for more information or contact us on 020 8726 6000 or by email at floodandwater@croydon.gov.uk.