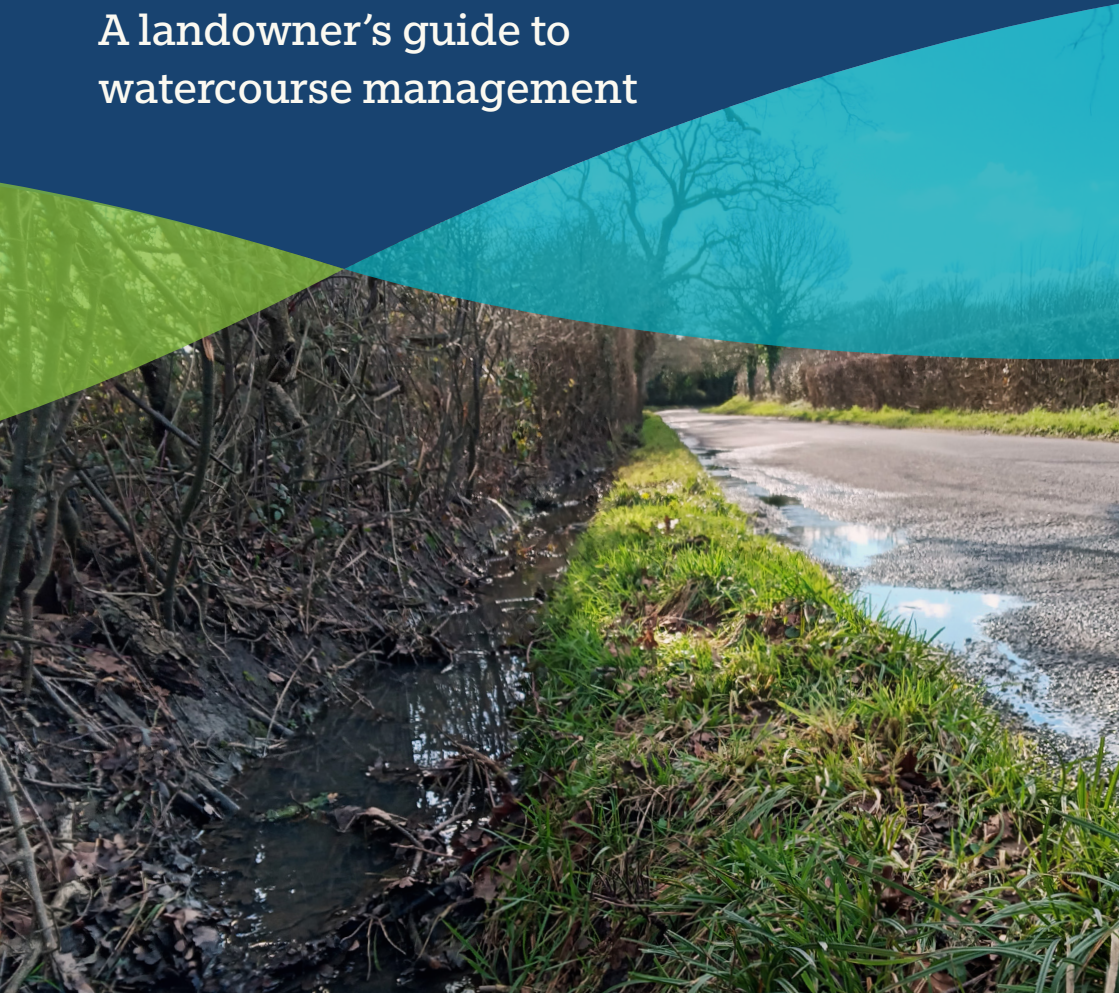


westsussex.gov.uk



Riparian Responsibilities

A landowner's guide to
watercourse management



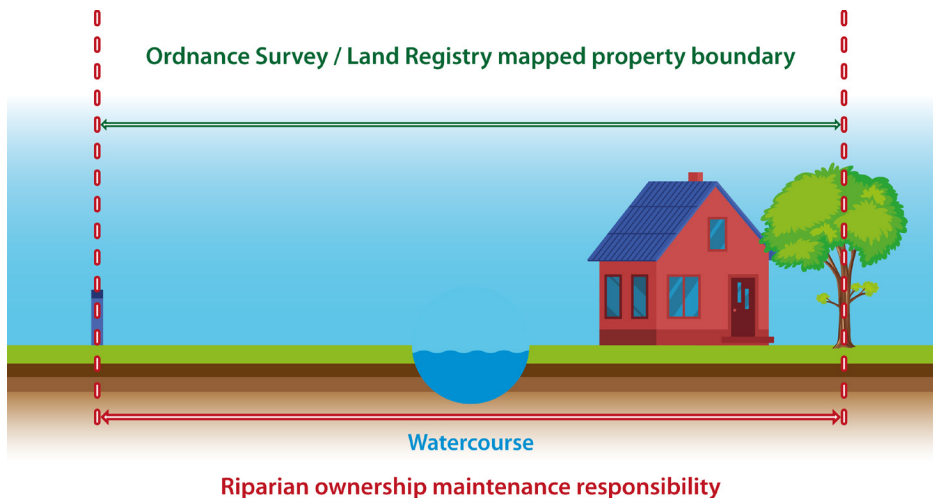
A riparian owner is an owner of land that either contains or is adjacent to a watercourse. This guide informs how riparian landowners can maintain their watercourses in line with the law and encourage healthy watercourse environments in West Sussex.

What is a watercourse?

- A watercourse is a channel through which water can flow. The water can flow either constantly or be seasonally active to be considered a watercourse.
- Watercourses are classified as either main river¹, which are generally larger systems, or ordinary watercourses, which are generally smaller systems.
- Watercourses can be an open channel, such as a ditch or a stream, or they can be piped, called a culvert.
- Drains, sewers, and canals are not watercourses.

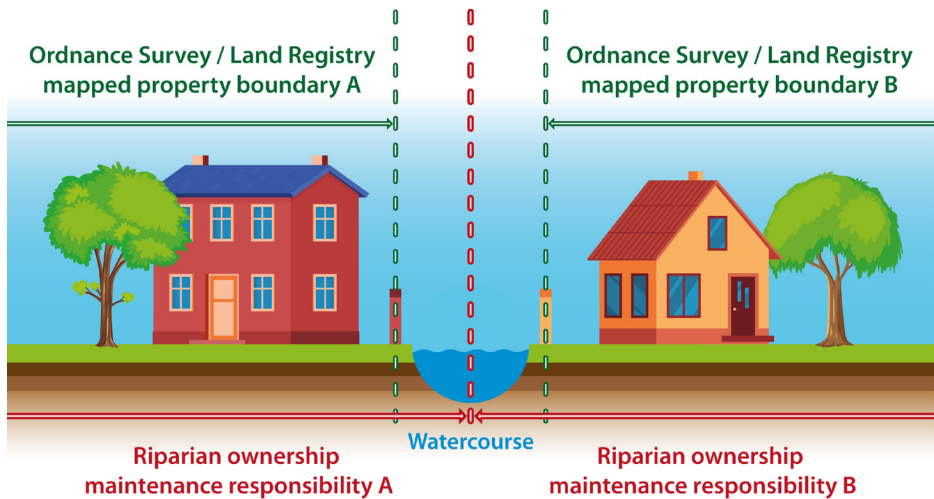
Who owns what?

- If you own the land on both sides of a watercourse, you are a riparian owner with responsibilities for all the watercourse.

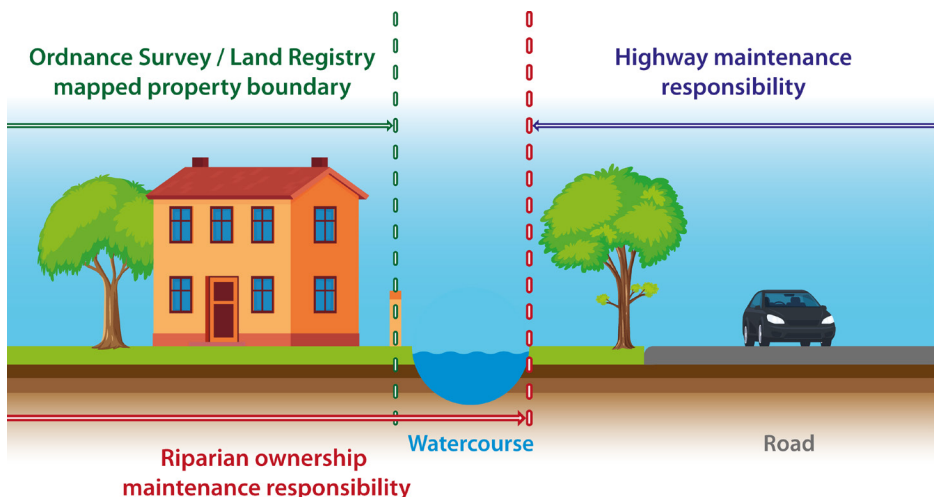


¹ Details and information for Main Rivers can be found here:
<https://www.gov.uk/guidance/owning-a-watercourse>

- If you own land adjacent to a watercourse which is shared with another landowner on the opposite bank, you are a riparian owner with responsibilities up to the centreline only (the opposite landowner has riparian responsibilities for their side).



- If you own land adjacent to a highway that has a watercourse between your land and the highway, you are a riparian owner with riparian responsibilities for all the watercourse.





It may be the case that property boundary lines on Ordnance Survey or Land Registry maps will not include an adjacent watercourse, suggesting a watercourse is not within a property's ownership. In this situation, riparian responsibilities still apply following the examples above.

Proof is not required to demonstrate that riparian responsibilities apply. Responsibility is automatically presumed in common law. Therefore, if no evidence exists to demonstrate otherwise, riparian responsibilities apply.

Riparian owner responsibilities

You are responsible for:

- making sure the watercourse remains clear and unobstructed;
- maintaining any authorised structures within the watercourse;
- ensuring you do not pollute the watercourse; and
- preventing the spread of invasive species.

The law

- Riparian rights and responsibilities are covered by the Land Drainage Act 1991².
- Under the Land Drainage Act 1991, West Sussex County Council has discretionary powers to enforce riparian owners of ordinary watercourses to adhere to their responsibilities.

²Land Drainage Act 1991: <https://www.legislation.gov.uk/ukpga/1991/59/contents>

Best practice – management of watercourses

Regular maintenance of your watercourse is straight forward to do, is not normally expensive and is your responsibility.

- Rubbish and debris should be removed as soon as possible (as and when).
- Silt build-up should be dug out (during dryer periods).
- Vegetation should be cut down every other year, alternating between each side, leaving roots to support the embankment (annually during the autumn to avoid bird nesting seasons).
- It is good practice to check the condition of your watercourse over the autumn to ensure it remains clear flowing for the wetter winter season.
- If you are unable to undertake the work required, you may need to employ a civils landscaper or gardener. It is advised that you get multiple quotes and ask for evidence of previous work before you decide to employ someone to undertake this work on your behalf.

The benefits

Maintaining a clear and unobstructed flow helps:

- reduce the likelihood of water backing up and contributing to flooding;
- support the natural environment of watercourses; and
- adhere to your legal responsibilities under the Land Drainage Act 1991.



