

How do I maintain a watercourse?

Watercourse maintenance varies depending on the location and nature of the watercourse. The primary purpose of watercourse maintenance is to reduce flood risk by ensuring water can flow within the watercourse as per its original, intended dimensions.

Depending on the location of the watercourse, consideration may need to be taken regarding ecological designation - in some areas there are restrictions regarding when maintenance can occur and how it should be carried out (e.g. what should be done with any silt removed, avoiding bird nesting season etc.). You can investigate any ecological designations in Hampshire via our website <https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/informationcentre/information>

For open ditches, the majority of these can be cleared with a spade or farm equipment. The silt removed should be disposed of in a way that does not increase flood risk to the area and is mindful of any ecological constraints of the area. Maintenance should occur regularly, in particular in advance of the winter months.

For pipes or culverts, these should be rodded to clear any blockages, and trash screens cleared regularly. Headwalls should be inspected for damage, as if these fail they can block the entrance or exit of a pipe.

Maintenance is different to any temporary or permanent changes you wish to make to a watercourse - such as culverting or temporary draining. If you wish to make a change such as this, you will need to apply for ordinary watercourse consent. This legal requirement assesses flood risk of your proposed changes. For more information on this process, see <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse> Maintenance work does not require consent.

Common questions

If I fail to maintain the watercourse on/adjacent to my land and flooding occurs as a result, do I have to compensate for damage caused to others?

If you do not carry out your responsibilities, you could face legal action and may be liable for any damage which occurs as a result of your failure to maintain the watercourse.

If I own land on both banks of a watercourse am I fully responsible for its maintenance?

Yes, you are fully responsible for the maintenance.

If I own land on one bank of a watercourse, what am I responsible for?

In most instances, you are responsible for the maintenance up to the centre of the watercourse. If the watercourse runs alongside the highway, you are responsible for the maintenance of the whole watercourse. This is because the majority of highways are constructed via a dedication of land by landowners, meaning the soil beneath the highway remains in the ownership of the landowner.

If the watercourse in question is the other side of a hedge on my boundary, am I still responsible for the maintenance?

Yes, unless explicitly stated on an official document (such as a deed), the watercourse itself is the boundary and therefore you are responsible for maintenance up to the halfway point.



Flood Risk Management Guidance for Landowners

From working with communities developing new flood action plans, to improving the management of our natural resources, Hampshire County Council's ambition is to be at the forefront of flood risk and water management, creating a safer, more resilient Hampshire.

This guidance provides landowners with information about their rights and details their responsibilities for maintaining watercourses on or adjacent to their land, to help reduce flood risk to their own and surrounding land.

Contacts

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<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding>

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What is a watercourse?

A watercourse is any natural or artificial channel above or below ground through which water flows, either year-round or only periodically. Watercourses are classified as either an 'ordinary watercourse' or 'Main River'.

Ordinary watercourses are watercourses that are not part of a Main River, including streams, ditches, drains, pipes, culverts etc. through which water flows. Main Rivers are typically larger streams and rivers, but some are smaller watercourses of local significance. To identify whether your watercourse is a Main River, search online for 'EA Main River Map'.

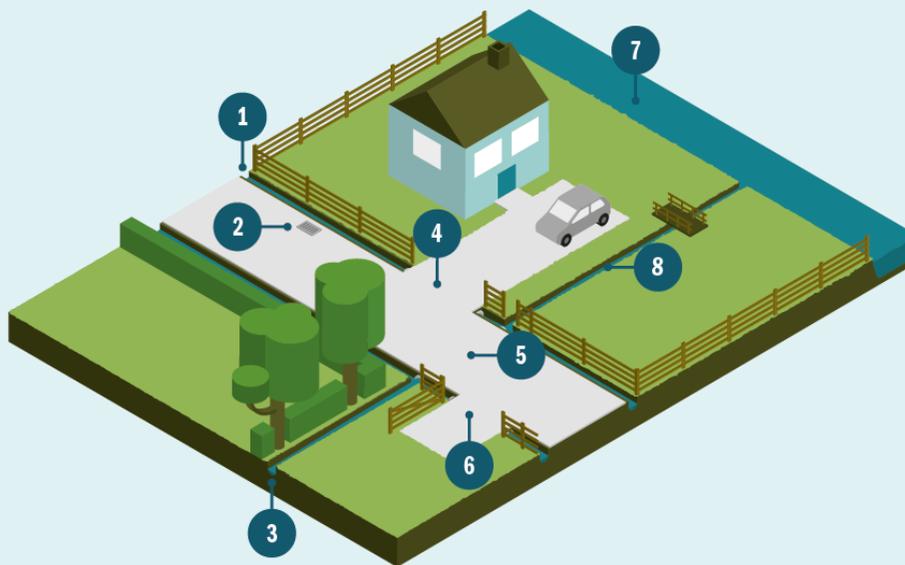
Landowners with watercourses on or adjacent to their land are called 'riparian landowners' and have a responsibility to maintain these watercourses. Main Rivers are managed nationally by the Environment Agency, with Hampshire County Council as the Lead Local Flood Authority managing ordinary watercourses. In both instances, these organisations have the power to enforce a landowner to maintain the watercourse on or adjacent to their land.

Your rights as a riparian landowner

Under the Flood and Water Management Act (2010), the Land Drainage Act (1991) and Common Law -

- If your land boundary runs next to a watercourse, it is assumed you own the land up to the centre of the watercourse, unless someone else owns the land over which the watercourse flows
- If you own land with a watercourse running through or underneath it, it is assumed you own the section of the watercourse on your land
- If a watercourse is the responsibility of a third party it should be noted in your deeds
- You have the right to protect your property against flooding from the watercourse and also to prevent erosion of the watercourse banks or any structure
- You must accept water following natural contours - if your land is lower, you must accept flows from higher land

Who is responsible for maintaining watercourses?



Report flooding and maintenance incidents to Hampshire County Council at:
hants.gov.uk/transport/roadmaintenance/roadproblems/flooding

- 1 Roadside ditch**
Responsibility of adjacent landowner to maintain.
Maintenance: Remove silt and obstructions regularly.
- 2 Road gully**
Responsibility of Highway Authority to maintain.
Maintenance: All gullies on adopted roads are on a regular cleaning schedule.
- 3 Boundary ditch**
Responsibility of landowners each side to maintain up to the middle point.
Maintenance: Remove silt and obstructions regularly.
- 4 Pipe under driveway**
Responsibility of adjacent landowner to maintain.
Maintenance: Clear trash screens and rod pipe.
- 5 Pipe running from one side of the road to the other**
Responsibility of Highway Authority to maintain.
Maintenance: Regularly rod or jet to remove blockages and build up.
- 6 Pipe under field access**
Responsibility of adjacent landowner to maintain.
Maintenance: Clear trash screens and rod pipe.
- 7 Watercourse at boundary**
Responsibility of landowners each side to maintain up to the middle point.
Maintenance: Remove any obstructions.
- 8 Watercourse within land**
Responsibility of landowner to maintain.
Maintenance: Remove silt and obstructions regularly.

Riparian landowner responsibilities

- Let water flow through your land without any obstruction, pollution or diversion which affects how others receive the water
- Accept flood flows through your land
- Keep any structure, such as trash screens, clear of debris
- Maintain the bed and banks of the watercourse and the trees and shrubs growing on the banks. Any litter or obstructions should be cleared, regardless of where they came from

- Maintain watercourses running in a culvert as if it were an open watercourse, using for example rods
- Do not allow the watercourse to become polluted. This includes the disposal of garden waste on riverbanks where it could be washed into the river
- Leave a development-free edge on the banks to allow easy access for if maintenance or inspection is required
- Notify Hampshire County Council if you wish to complete any temporary or permanent work on an ordinary watercourse so the flood risk can be assessed (owc@hants.gov.uk)