**RIPARIAN RIGHTS AND RESPONSIBILITIES**

* **maintaining watercourses, ditches etc.**

**Our rivers, streams, ditches etc. constitute an important part of our environment, providing vital runoff for rain to avoid flooding but also by providing valuable habitats for wildlife. The biodiversity of our countryside is in no small way related to these waterways and their conservation is essential. As we face the unexpected consequences of Global Warming and Climate Change (increased and heavy rainfall etc.) maintenance of all our waterways, no matter how small, is a vital part of land management in Landford, Nomansland and Hamptworth.**

**Does this apply to me?**

If you own land alongside a watercourse or ditch (including culvert or enclosed pipe) you are legally termed a riparian owner. As a riparian owner you have certain rights and responsibilities which you should be aware of.

These rights and responsibilities protect you from the actions of fellow riparian owners, but also outline your duty to other owners, to the community and to the environment.

The **Environment Agency** lists the rights and responsibilitiesof riparian owners in England and Wales.

**Duties / Responsibilities**

* to pass on / allow the flow of water without obstruction, pollution or diversion affecting the rights of others
* to accept flood flows, even if caused by inadequate capacity downstream, but there is no duty to improve the drainage capacity of the watercourse
* to maintain the bed and banks of the watercourse and to clear any debris, whether it is natural or man-made
* to ensure any pipes are clear of any debris / vegetation that could reduce water flow
* to keep the bed and banks clear of anything that could cause an obstruction, including an obstruction downstream, if it is washed away
* to keep any culverts, trash screens, weirs and mill gates clear of debris
* to be responsible for the protection of your land from flooding
* to not cause any obstructions, either temporary of permanent, that could prevent the free passage of fish

Whether the watercourse or ditch is enclosed within a pipe or culvert which crosses your property, you are still responsible and liable for the riparian duties.

The land drainage byelaws were made under section 34 of the Land Drainage Act 1976. They are enforced by the Environment Agency by provision of the Water Resources Act 1991 and the Environment Act 1995. A copy of the byelaws and a guide to riparian ownership can be obtained by contacting the Environment Agency or your local Council Environment Services https://www.wiltshire.gov.uk/env-health-protection

**FAQs**

**Am I responsible for the ditch in my garden?**

If a ditch borders your property (garden, field etc.) in any way, then you are responsible for maintaining it. If there is a fence, hedge etc. between your property and the ditch, the ditch is still your responsibility even if it has been piped by someone else. The responsibility lies 50:50 between you and the landowner on the other side of the ditch. If there is a verge between your fence / hedge and a public / private highway you are the landowner of the verge, albeit with reduced rights.

**What if the ditch is between my property and a public area?**

If a ditch / culvert borders your property in any way, then you have riparian ownership of the half that borders your property. If the land on the other side of the ditch is council-owned, then you share the responsibilities 50:50 with the council. This ownership split applies even if there is a fence / hedge council boundaries.

**My ditch is invariably dry; do I still have to clear it?**

Even if a ditch appears to be dry for much of the year it is still your responsibility to keep it clear of debris and other instructions (ie vegetation). The ditch may perform a vital role in clearing street water and/or land runoff, especially at times of heavy rainfall or localised flooding.

**Someone has dumped rubbish in my ditch!**

It remains your responsibility to keep the waterway clear but for help contact the Environment Agency on 0800 807060 or use the **MyWilts** app.

**My ditch appears to be polluted!**

To report an incident (or suspicion) of pollution contact the Environment Agency on 08708 506506.

**As a riparian owner can I extend my property and build on a ditch / culvert?**

If you wish to extend your property over a waterway / ditch / culvert, you must first obtain permission form the Environment Agency. Building without permission could result in the interference of the natural flow of the watercourse. The Agency has the right to enforce the removal of any obstruction to flow.