

Common questions...

- Q. If I fail to regularly maintain the watercourse on/adjacent to my land and flooding occurs as a result, do I have to compensate for damage caused to others?**
- A. 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.
- Q. If I own land on both banks of a water course am I fully responsible for its maintenance?**
- A. Yes
- Q. If I own land on one bank of a watercourse what am I responsible for?**
- A. You are responsible for the maintenance up to the centre of the watercourse.
- Q. If the watercourse is not on my land, but I am the nearest landowner to one bank, am I responsible for maintaining any part of the water course?**
- A. Yes, you are responsible for maintaining up to the centre of the watercourse, even if the water course and bank do not fall within your property boundary. See figure 1 for an illustration.
- Q. If I own land on one bank of the watercourse with a Highway on the opposite bank what am I responsible for?**
- A. It is likely that you own both banks and are therefore responsible for the maintenance of the whole watercourse. 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.
- Q. If I want to fill in a ditch on my property and replace it with a culvert do I need consent to do this?**
- A. Yes, you will need to have the consent of the Lead Local Flood Authority, if you live in Hampshire this is Hampshire County Council. Please read the 'Guide to Ordinary Watercourse Consenting', which details the necessary consents and explains how to apply. www3.hants.gov.uk/flooding/watercourses.htm

If you have any questions about landownership with regards to ordinary watercourses please contact Hampshire County Council at fwm@hants.gov.uk or call 01962 846730.

If you see any activity that could damage the environment or practice which increase flood risk, please report it immediately to Hampshire County Council at fwm@hants.gov.uk or call 01962 846730.

Please report water and land pollution to the Environment Agency 0800 80 70 60 (24 hour service).

Further information on the consents required for changes to, or building on or near an ordinary watercourse is provided in the 'Guide to Ordinary Watercourse Consenting', which can be found online at www3.hants.gov.uk/flooding/watercourses.htm (If you require a paper copy of this guide please phone 01962 846730.)

Key Contacts and Information

Flood enquiries: fwm@hants.gov.uk
Flood information: www.hants.gov.uk/flooding

Highways information:
www.hants.gov.uk/index/transport/roadproblems

Environment Agency:
Flooding and coastal change:
<https://www.gov.uk/environmental-management/flooding-coastal-change>

Flood Maps:
<https://www.gov.uk/check-if-youre-at-risk-of-flooding>

Riverside ownership: rights and responsibilities:
<https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>

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Flood Risk Management Guidance for Landowners

Hampshire County Council is committed to reducing the risk of flooding. This guidance provides landowners with information about their rights and details their responsibilities for maintaining watercourses on or adjacent to their land, to help prevent flooding.

Landowners or residents who own land or property situated next to a main river or ordinary watercourse are legally termed riparian landowners.

What is a watercourse?

Watercourses are any natural or artificial channel above or below ground through which water flows. Watercourses are classified as either 'Ordinary Watercourse' or 'Main River'.

Ordinary Watercourses are watercourses that are not part of a main river and include streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than public sewers) and passages, through which water flows. Riparian landowners are responsible for maintaining ordinary watercourses.

Main Rivers are typically larger streams and rivers, but some are smaller watercourses of local significance. Main rivers are nationally managed by the Environment Agency (EA). To identify whether your watercourse is a main river visit the EA's website and view their flood maps.

Rights and Responsibilities

Your rights as a riparian landowner

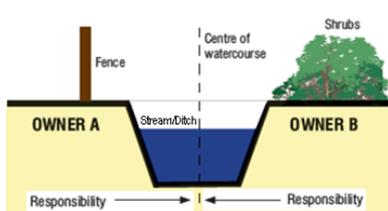
- If your land boundary runs next to a watercourse it is assumed you own the land up to the centre of the watercourse, unless someone else owns the land over which the watercourse flows.

- 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.

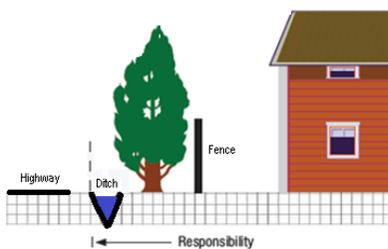
- If a watercourse is the responsibility of a third party it should be noted in your deeds.

- You have the right to protect your property from flooding and your land from erosion. If this work may affect the flow or storage of water, you need to seek consent from Hampshire County Council (see Ordinary Watercourse Consenting).

Figure 1



Under common law you are the riparian owner of any watercourse both within and adjacent to the boundaries of your property.



Where a watercourse is between two or more property boundaries each owner may be equally responsible.

In the Figure 1 even if the Title Deeds for Owner A's property

show the boundary to be the fence, they have riparian rights and responsibilities to the centre of the watercourse. If your property is adjacent to a highway, in most circumstances you are responsible for the whole watercourse.

You have the right to protect your property against flooding from the watercourse and also to prevent erosion of the watercourse banks or any structures.

Your responsibilities as a riparian landowner

1. Let water flow through your land without any obstruction, pollution or diversion which affects how others will receive the water;

2. Accept flood flows through your land;

3. Keep banks clear of anything that could cause an obstruction and increase flood risk if it is washed away;

4. Maintain the bed and banks of the watercourse and the trees and shrubs growing on the banks. Any litter or other obstructions should be cleared, regardless of whether they came from your land;

5. Leave a development-free edge on the banks next to a watercourse, allowing easy access in case any maintenance or inspection is required. For more information on consent for works near watercourses contact Hampshire County Council (owc@hants.gov.uk / 01962 846730) or visit www3.hants.gov.uk/flooding/watercourses.htm ;

6. Keep any structure, such as culverts, trash screens, weirs and mill gates, clear of debris;

7. Do not cause obstructions, temporary or permanent, that would stop fish passing through;

8. Notify the Environment Agency and seek consent from Hampshire County Council if you would like to build or alter a structure that acts as an obstruction to a watercourse. Under the **The Eels (England and Wales) Regulations 2009 (the Regulations)** it may be an offence if you do not notify the Environment Agency of the above;

9. Do not allow the water course to become polluted e.g. dispose of garden or other waste on riverbanks, where it could be washed into the river. This includes grass cuttings, which pollute the water;

10. Protect your property from water that seeps through natural or artificial banks. Where this damages a flood defence, you may be required to pay for repairs;

11. Control invasive non-native species such as Japanese knotweed. Your District or Borough Council can advise you on how to manage and control these species;

12. Make sure any work you do on a watercourse fits with the natural river system. Work must not damage wildlife

and wherever possible you should try and improve the habitat. For further information about guidance on nature conservation and national and international wildlife designations please contact the Hampshire Biodiversity Information Centre (HBIC): <http://www3.hants.gov.uk/biodiversity/hbic>

13. Maintain watercourses running in a culvert as if it was an open watercourse.

What are the sources of flood risk in Hampshire?

The main flood risks in Hampshire are surface water flooding, groundwater flooding and flooding from rivers. Coastal and sewer flooding also occur in the County, but not as commonly.

Surface water flooding (pluvial flooding). This is when rainfall cannot soak into the ground, overwhelms the drains and flows across the ground.

Groundwater flooding. Water within permeable rocks beneath the ground is known as groundwater. This can cause flooding when the water level within these rocks rises above the ground surface. Levels of groundwater tend to respond to rainfall slowly. This means groundwater flooding can occur a long time after the occurrence of prolonged or heavy rainfall, and tends to last longer than other forms of flooding.

Flooding from rivers (fluvial flooding). When a river cannot hold the volume of water which drains into it from the surrounding land flooding occurs in the surrounding area.

Coastal flooding. Flooding from the sea tends to occur as a result of high tides, surges in sea water and strong winds which raise the sea level above the ground level of the coast.

Sewer flooding. Foul flooding, or flooding from sewers often occurs at the same time as other types of flooding and can be a result of blocked drains or the sewer network not being able to hold all the water flowing into it.