

Land Drainage Guidance Notes For Riparian Owners

Epping Forest District Council, Environment Protection & Drainage Team

The term “Riparian Owner” describes anyone whose land abuts the bank of a watercourse or ditch. Under common law they possess *certain* rights and responsibilities relating to that stretch of watercourse. The fact that a watercourse or ditch may be culverted (piped) along all or some of its length does not affect those rights or responsibilities. Where a watercourse is situated on, or forms part of a boundary between adjoining properties, it is normally presumed that a riparian owner is responsible to the centre line of the watercourse, unless records exist to prove otherwise.

The exception to this rule regarding riparian ownership is when a watercourse is adjacent to a highway. Under these circumstances the Highway Authority’s (Essex County Council) responsibilities extend only up to the roadside brow of any watercourse or ditch, hence the adjacent landowner is under Common Law responsible for the watercourse or ditch in full. The Highway Authority however are empowered by Section 100 of the Highways Act 1980 to make use of adjacent watercourses to drain the highway.

You do not need to be the riparian owner to apply for Land Drainage Consent to undertake works on land adjacent to a watercourse. However, you would need to obtain the landowners permission, or you undertake works at your own risk. Land Drainage Consent does not give permission or the legal right to undertake works on land you do not already possess.

A riparian owner is responsible for:

- Accepting water from the section of watercourse owned by their upstream neighbour and transferring this, together with drainage from their own property, to their neighbour downstream.
- Carrying out, at his or her own expense, any necessary maintenance of the watercourse to the satisfaction of the relevant Land Drainage Authority, which in the case of non-main rivers within the Epping Forest District, has been devolved to the Council.

A riparian owner is entitled to:

1. Protect his or her property against extraordinary flooding.
2. Prevent erosion of the banks of the watercourse for which they are responsible.

However, before undertaking **ANY** works to or within 8 metres of an existing ordinary (non-main river) watercourse, Land Drainage Consent, in writing, is required from this Authority under:

- (a) The Land Drainage Act 1991 and 1994
- (b) The Public Health Act 1936
- (c) Epping Forest District Council Land Drainage Byelaws 2005.

Application should be made online [here](#) – the relevant team can be reached below:

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Environment Protection & Drainage Team
Civic Offices, High Street
Epping, CM16 4BZ
Tel. 01992 564000