

- **To maintain any approved structures on your stretch of the watercourse. These may include culverts, weirs and mill gates.**

These structures must be properly maintained and kept clear of any debris which could obstruct the free flow of water on your land or be washed away to block a structure downstream. You must not build a new structure (for example, a boardwalk) that encroaches upon the watercourse or alters the flow of water without first obtaining permission from your local Council or National Resources Wales.



## Rights of a Riparian Owner

- **To receive a flow of water in its natural state, without undue interference in quantity or quality.**

If you believe that landowners upstream or downstream have altered or redirected the watercourse you share, and that this is affecting the flow of water through your land, you may wish to contact your local Council for advice. In addition, other people are not necessarily entitled to discharge water into your watercourse. In order to do so, they may need to obtain both your permission and that of the local Council and/or National Resources Wales.

- **To protect your property against flooding from the watercourse and to prevent erosion of the watercourse banks or any nearby structures.**

For most works you must apply for formal consent from the Council, who will assess the application to make sure that the works you are planning will not cause an adverse effect further upstream or downstream. The Council will also assess whether any works are likely to affect the local environment, fisheries and wildlife, which they have a duty to protect.

*Natural Resources Wales (NRW) manages the maintenance of 'main rivers' and some watercourses on the Gwent Levels. All other watercourses in Monmouthshire are overseen by the Council.*

### Monmouthshire County Council

[www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

01633 644644

Email: [contact@monmouthshire.gov.uk](mailto:contact@monmouthshire.gov.uk)



### Natural Resources Wales (NRW)

[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

0300 065 3000

Email: [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)



*Advice is also available from the National Flood Forum at [www.nationalfloodforum.org.uk](http://www.nationalfloodforum.org.uk)*

**The Council is not responsible for maintaining watercourses on private land, that rests with the owners. The Council has powers under the Land Drainage Act to require owners to maintain them.**

***This leaflet is a guide for riparian owners – it is not a complete statement of the law. If you are unsure of your rights and responsibilities, contact the Council or NRW in the first instance for advice and information.***



# WATERSIDE LIVING IN MONMOUTHSHIRE



**Do you have a river, stream, ditch or culvert running through, or alongside, your property?**

**If so, you are probably responsible for its maintenance and this guide is for you.**

Someone who owns property which is next to a watercourse or has a watercourse running through it is called a **riparian owner**. Under common law, riparian owners have certain rights and responsibilities relating to the stretch of watercourse that flows through, or alongside, their land.

It is not just farmers who are riparian owners. Homeowners may not realise that the ditch at the bottom of their garden belongs to them and that they may be responsible for its maintenance. If you are a riparian owner, there are certain responsibilities which you are legally obliged to fulfil. The aim of these laws is to help manage flood risk and protect the environment.



*An 'ordinary watercourse' is any channel through which water flows (such as a river, stream, brook, beck or a ditch) and which is not defined as a 'main river' by Natural Resources Wales.*

## Responsibilities of a Riparian Owner

- **To maintain the watercourse and to clear any obstructions (natural or otherwise) so the normal flow of water is not impeded.**



You must clear any debris from your stretch of the watercourse, even if it is not your fault that the debris is there. Whether it is a man-made or natural obstruction, you are responsible for keeping the watercourse clear of litter, grass cuttings, animal carcasses and fallen trees, etc.

- **To maintain the banks and bed of the watercourse (including any trees and shrubs growing on the banks) and any flood defences that exist on it.**



*Where a watercourse marks the boundary between adjoining properties, it is normally presumed the riparian owner owns the land up to the centre line of the watercourse.*

You must not alter or divert the water flow without permission as this may have an effect on properties downstream. If you do have flood defences on your property, you may be responsible for their maintenance. You can contact the Council or Natural Resources Wales for help and further advice.

- **To accept the natural flow from your upstream neighbour and transfer it downstream without obstruction, pollution or diversion.**

You must accept flood water through your land, even if any excess water is caused by inadequate capacity downstream. Those landowners downstream from your property are under no obligation to improve the drainage capacity of their stretch of watercourse although they have the same responsibilities as you to maintain it.



*If you are unsure whether you are the riparian owner of the watercourse running through your land, check the title deeds of your property.*