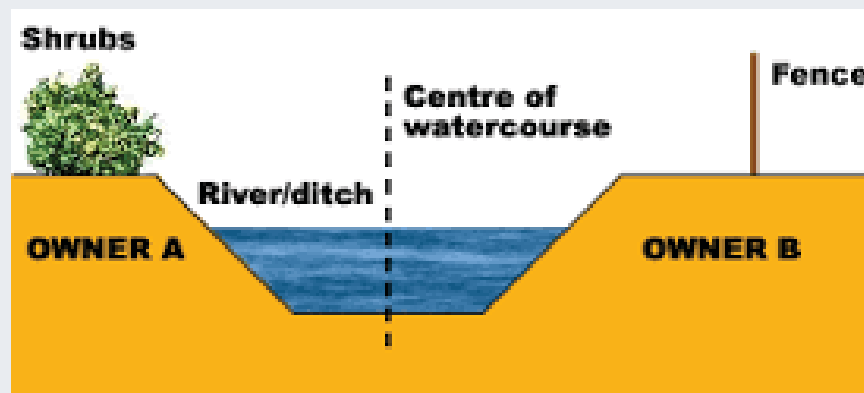




## What is a Riparian owner?

Under Common Law if a watercourse, whether it's open or piped (culverted), runs through or borders a person's property, that person is defined as a riparian owner and has a responsibility to maintain that watercourse and keep it free from obstruction to the flow. Where it borders your property you are normally responsible up to the centre line of the watercourse.



## Your rights and responsibilities

### Your rights...

- Water should flow onto or under your land in its natural quantity and quality.
- You have the right to protect your property from flooding, and your land from erosion.
- You have the right to connect your surface water drains to the watercourse, however doing this will need consent.

## Your rights and responsibilities

### Your responsibilities

- You must let water flow through your land without any obstruction, pollution or diversion which affects the rights of others.
- You must accept flood flows through your land, even if these are caused by inadequate capacity downstream.
- You should keep the banks clear of anything that could cause an obstruction and increase flood risk, either on your land or downstream if it is washed away. You are responsible for maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks.
- You should always leave a development-free edge on the banks next to a watercourse. This allows for easy access to the watercourse for maintenance and inspection.
- Do not use the banks to dispose of garden or other waste, where it could fall into the river causing blockages and pollution. This includes grass cuttings, which pollute the water.
- Make sure any work you do on a watercourse fits with the natural river system. Work must not damage wildlife and should try and improve the habitat.
- Where it borders your property, you are normally responsible to the centre line of the watercourse.



## How do I know if I am a Riparian Owner?

Open watercourses are usually easy to identify on your property as a ditch or stream. Some watercourses have been culverted (piped) underground making it more difficult to know where they are. Manholes usually indicate where there is culvert but these may not be on your property. They are usually 50m apart and it is assumed the piped watercourse is in a straight line between them. Sefton Council have indicative maps that show where these watercourses are, but these may not be an accurate representation of what is on the ground. Some watercourses are mentioned on property deeds, but this is not always the case. Occasionally a watercourse, especially an artificial one, will be the responsibility of a third party. This should be noted in your deeds, though this may not always be the case.

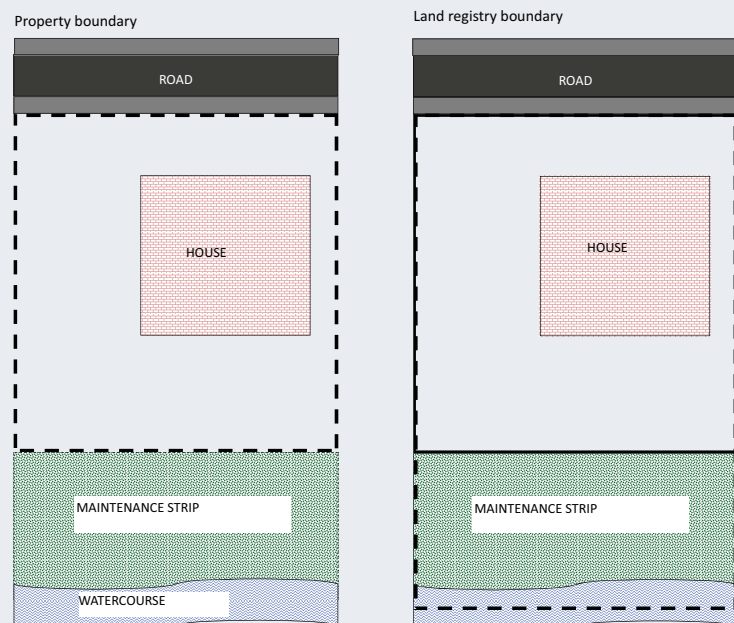
If you rent your property your tenancy agreement should detail whether the maintenance responsibility lies with yourself or the landlord.

## Land Registry

Historically when areas have been developed for housing or business where a watercourse was present the watercourse may have been culverted/piped or left open. Where watercourses have been left open normally a strip of land is left free from development to allow for maintenance. This strip can be several metres wide. The developer sometimes puts the fence line at the edge of the maintenance strip. However, the land is still registered, with Land Registry, normally up to the centreline of the watercourse, but the deeds will only show ownership up to the property fence

If the land isn't registered to anyone it is assumed that the riparian ownership and maintenance duty lies with the adjacent property.

Detailed information for your property can be requested from Land Registry for a cost of £3. from their website.



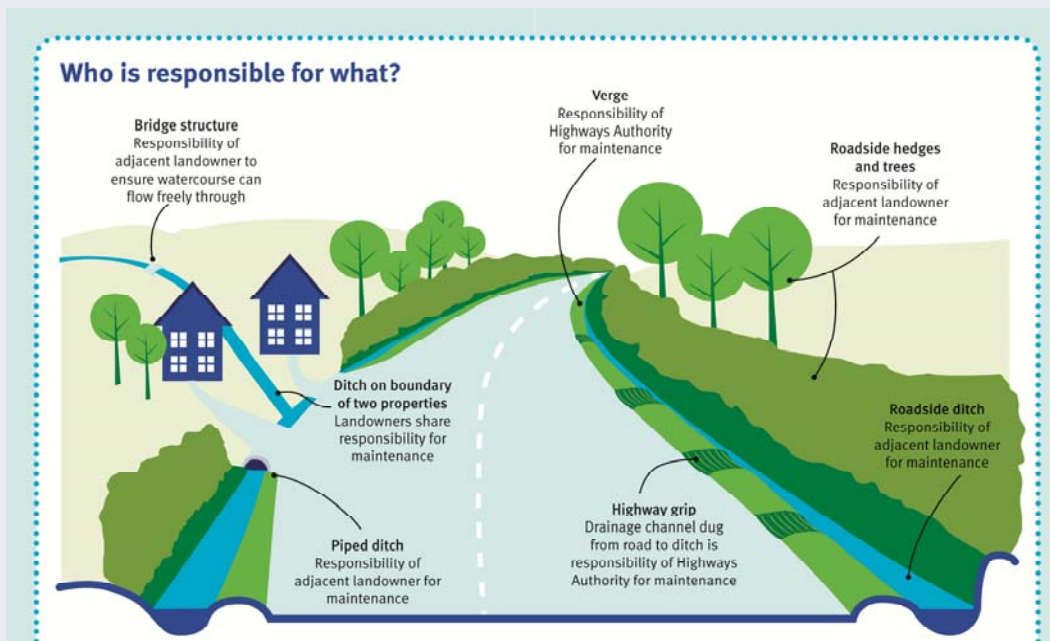


# Flood Risk Management Authorities

## Roles & Responsibilities

**Sefton Council** is the Lead Local Flood Authority (LLFA) for the borough and its primary purpose is to oversee flood risk from surface water, groundwater and watercourses. Sefton Council also consider flood risk in its role as the Highway Authority, Local Planning Authority, Coastal Protection Authority and as a land owner.

**The Environment Agency's** principal aim is to protect and improve the environment, and to promote sustainable development. The Environment Agency has strategic roles for all sources of flooding and coastal erosion in England and Wales. The Environment Agency also provide river flood warnings. They have powers to undertake works and enforcement action on main rivers, at their discretion to prevent flooding, but may choose to charge this cost to the Riparian Owner.



**Canal & Rivers Trust** Operate and manage the canal network in England and Wales. They inspect and maintain canals and their associated bridges and towpaths, and monitor water levels. They will respond to flooding from canal breaches.

**United Utilities** manage water and sewerage under the Water Industry Act 1991. United Utilities is the responsible authority for managing the risks of flooding from their water supply, public surface, foul or combined sewer systems.

## Maintenance Activities

The maintenance of watercourses plays a key role in flood risk management. Most watercourses will require annual maintenance. It's important to plan when and how this is done.

### Open watercourses

#### Keeping banks clear

- Removing anything that will cause an obstruction and increase flood risk either on your land or downstream if it is washed away.
- Removing any waste resulting from maintenance activities to ensure it does not fall downstream into the watercourse
- Always leave a development-free edge on the banks next to a watercourse to allow for easy access

#### Maintaining vegetation

- Make sure any work done fits with the natural river system and it is important to consider any impact on wildlife when undertaking maintenance activities
- It is recommended to cut vegetation to just above the water level on one side so leaving the fringe of the bank uncut, maintaining habitat

#### Regular de-silting

- The original profile of the watercourse should not be altered when de-silting, so that the overall gradient and flow patterns stay the same
- The same depth of silt should be removed along the length of the ditch

The best time to conduct maintenance activities on open watercourses is late September/October, before any heavy winter storms and when the vegetation has naturally died back.

### Good



### Poor



## Maintenance Activities

The maintenance of watercourses plays a key role in flood risk management. Most watercourses will require annual maintenance. It's important to plan when and how this is done.

### Culverted watercourses

Culverts generally require specialist machinery to properly maintain them. They can only be accessed through a manhole.

Regular checks of water flows through a manhole by a competent person can give an indication of whether the watercourse is flowing or not. If water is stationary and rising in the manhole this could suggest a blockage downstream in the pipe.

CCTV inspections of the culvert can identify blockages, levels of silt, root infestations and the structural condition of the culvert. This is best carried out by a specialist contractor.

#### Good



#### Poor



#### Failed



### Maintenance

- Culverts with high levels of silt or blocked with silt will need to be jetted. A specialist vehicle will be required that uses pressurised water to flush out the system and extract the material. This has to be undertaken with care as some systems can be damaged with high pressure jetting.
- Root infestations - A specialist vehicle will be required that has a root cutting facility to remove all the roots in the pipe. Once a pipe has roots entering it, it will need regular root cutting.
- Other blockages and structural damage may require excavation to expose the section requiring repair or unblocking. If this occurs you may want to consider de-culverting the watercourse.
- Sediment traps should be cleared regularly.

## Day-lighting or opening up piped watercourses

One of the causes of flooding is inappropriate culverting of watercourses. Historically culverted systems were fit for purpose at the time of their design. Due to a number of factors such as urban sprawl and climate change, some culverts are reaching their maximum operating function.

To reduce maintenance costs, improve flood risk management and bring environmental benefits, Sefton Council encourages de-culverting or the restoration of culverted watercourses to open channels.

### Specific benefits of day-lighting include:

- Reducing flood risk.
- Increasing the capacity of the system.
- Reducing maintenance costs.
- Easily identify issues requiring maintenance.
- Providing valuable habitat.

This can be particularly beneficial where there is poor land drainage causing surface water flooding as the water cannot easily get into the pipe or culvert. With an open watercourse this water will drain naturally into the watercourse.



## Insurance and flood risk

Insurance is important to protect your property and belongings. If your property has suffered flood damage or there is a history of flooding in your neighbourhood, or you are in a flood risk area, it can be difficult to find insurance cover. Usually in the UK flood insurance forms part of both buildings and contents insurance policies.



### Availability of flood cover

Insurers will assess both the likelihood and severity of flooding to base their premiums on. They do not guarantee to provide cover in all circumstances, some insurers may decide the risks posed by some properties are too high. Fitting flood mitigation measures such as flood doors and watertight air bricks will in most cases reduce insurance premiums.

## The new system - “Flood Re”

Building insurance is usually needed for a mortgage, being unable to get insurance, due to flood risk, could have serious implications for both the mortgage and sale-ability of the property. A special insurance fund called ‘**Flood Re**’ was introduced on the 1st April 2016 by the insurance industry and the Government, for homeowners (though not businesses). **Flood Re** is funded by a levy on insurers and will be in place until 2039 to help homeowners find affordable insurance if their property is at risk of flooding. **Flood Re** also helps tenants find affordable contents insurance and enables insurers to offer customers an affordable range of policies to those at risk. To check eligibility to the scheme and for more information, visit the Flood Re website: <http://www.floodre.co.uk>

## The National Flood Forum

The National Flood forum can provide independent advice on flood insurance at:  
<http://www.nationalfloodforum.org.uk/>



## Consent and Enforcement Action

Under Section 23 of the Land Drainage Act 1991, temporary or permanent works to ordinary watercourses require Consent from the Council. Works likely to cause an obstruction to flow, restrict storage or that involve installing a culvert, changes to structures (dams, weirs, culverts or other like obstructions) already in place will also need consent. Please note if works are undertaken without consent, where the Council deems that consent was required, **works cannot be retrospectively consented**. In this case enforcement action will be taken to see that the watercourse is put back to the condition it was in before.

Examples of **permanent works/structures** include diversions, construction of bridges, culverts, weirs, dams, alteration of a culvert or any other objects which will permanently interfere with or change the flow of water in a watercourse.

### Permanent works



### Temporary works



Examples of **temporary works/structures** include placement of sand bags used to create a dry working area, or any objects or materials that will be removed at a later date that interfere with or change the flow of water in a watercourse.

## Main River Consent

For watercourses designated **Main River**, under the Environmental Permitting (England and Wales) Regulations 2010, you need to apply for an environmental permit from the Environment Agency for all development within several metres of the top of the bank of a Main River. This is because development in this proximity to a Main River may affect flood risk or land drainage, or interfere with the Environment Agency's access.

- **Occasionally a watercourse, especially an artificial one, will be the responsibility of a third party. This should be noted in your deeds, though this may not always be the case.**
- **If you rent your property your tenancy agreement should detail whether the maintenance responsibility lies with yourself or the landlord.**