

# Detailed guide: Owning a watercourse

## Find out if you own a watercourse

You normally own a stretch of watercourse:

- that runs on or under your land
- on the boundary of your land, up to its centre

The deeds for your property or land will tell you if this is not the case. Check your deeds if you're not clear about ownership.

A watercourse can be a:

- river
- brook
- beck
- ditch
- stream
- leat
- goyle
- rhyne
- culvert

A culvert is an underground structure that a watercourse can flow through.

## Owners: your responsibilities

You have responsibilities for the stretch of watercourse you own.

### Report an incident

Call the Environment Agency [Incident hotline](#) to report:

- flooding
- blockages which could cause flooding to main rivers
- pollution
- unusual changes in the flow of water
- collapsed or badly damaged banks

### Let water flow naturally

You must let water flow naturally.

You should leave fallen trees and branches unless they could cause flooding to other landowners' property. They can help prevent flooding by varying the shape and the flow of the channel. Ask your [risk management authority](#) for advice.

You should remove blockages that could cause flooding. If a blockage on your

stretch of watercourse reduces the flow or causes flooding to other landowners' property, you may have to pay damages.

You should:

- cut back trees and shrubs only if they could cause flooding – they can help stop the banks eroding
- keep any trash screen, weir, mill gate or other structure clear

Don't go inside a culvert. You could get trapped or poisoned by gases. If it needs clearing or repairing contact [your risk management authority](#) for advice.

## **Prevent pollution**

You must not pollute the water. Don't throw waste water, chemicals or anything else which could cause pollution on the banks or in the water.

You must [apply to use herbicides within one metre from the top of the bank of the watercourse](#).

Find out how to prevent rainwater carrying topsoil into the watercourse and polluting it in the [Think Soils publication](#).

You should:

- remove litter from the banks
- remove animal carcasses – contact your [local council](#) if you need advice
- not put garden waste, including grass cuttings, on the banks or into the water

## **Protect wildlife**

You must:

- [not disturb certain species or their habitats](#), including the bed and banks
- [not disturb birds and their nests](#)
- not disturb the spawning or eggs of salmon, trout or other fish
- [prevent invasive species](#) such as japanese knotweed from spreading into the wild or onto neighbours' land

## **Get advice about owning a watercourse**

For advice about what you must do if you own a stretch of watercourse, contact your risk management authority.

If it's about:

- a [main river](#), your risk management authority is the [Environment Agency](#)

- any other watercourse, your risk management authority is your [lead local flood authority](#) (either unitary authorities or county councils) or the [internal drainage board](#)

These organisations control work carried out in and around watercourses. They can help you understand what you can and can't do.

## Manage flood risk: rules and responsibilities

You have the right to protect your property from flooding and erosion, but you must:

- [get permissions to build anything in or around the watercourse](#)
- not build anything which could divert water and increase flood risk to other people's property, or you may have to pay damages

### Flood defences on your land

Something on your land, such as a wall, may be important to prevent flooding and be listed as a [flood defence asset](#).

You must [ask permission](#) before you:

- change, remove or build any flood defence on your land
- do any work within 8 metres of a flood defence, or within 16 metres of a tidal flood defence

On a [main river](#), the authority is the [Environment Agency](#).

On any other watercourse, the authority will be either your [lead local flood authority](#) or the [internal drainage board](#).

You may be responsible for maintaining and repairing a flood defence on your land. Check with the authority.

### When an authority stops maintaining a flood defence on your land

On a main river, find out [what to do if the Environment Agency stops maintaining a flood defence](#).

On any other watercourse, contact your [lead local flood authority](#) or [internal drainage board](#).

### Check your flood risk

You can:

- [check your immediate and long-term flood risk](#)
- [sign up to get flood warnings by phone or text](#) if your property is at risk of flooding

# Get permission to do work in or around a watercourse

You must find out which permissions and licences you need to maintain, repair, build or remove anything in or around a watercourse. This includes:

- creating or changing a mooring, mill, fence, dam, weir, bridge or culvert
- changing the banks
- removing material from the bed

You're responsible for getting the permissions and licences you need. You may get a fine or go to prison if you don't do this.

## Main rivers

Find out if you need to apply for an [environmental permit](#) from the Environment Agency.

On the River Thames you must also [apply for a River Thames accommodation licence](#).

## Other watercourses

If your work is in or around any other watercourse, find out if you need permissions and licences from your [lead local flood authority](#) or [internal drainage board](#).

## If the tide affects your watercourse

Find out if you need a [marine licence](#) from the Marine Management Organisation.

## Culverts

The risk management authorities are unlikely to give you permission to build a culvert – an underground structure that a watercourse can flow through. Culverts can increase flood risk and damage the environment.

## Planning permission

Contact your [local planning authority](#) to check whether you need planning permission.

## If you need to access other people's land

You must contact other owners and get their permission before you start work.

## Removing water, or building or altering a dam or weir

You may need to [apply for an abstraction or impoundment licence](#) if you want to:

- remove water, temporarily or permanently
- build something to restrict or impound water
- alter, rebuild or remove a dam or weir

On a main river, you may need to [apply for an environmental permit](#).

On any other watercourse, you may need a Land Drainage Act consent from one of the following:

- your [lead local flood authority](#)
- the [internal drainage board](#)

[To build a hydropower scheme, find out which licences and permissions you need.](#)

## Work affecting protected areas and species

You must not harm protected species or their habitats. Read guidance on [which species are protected and what you must do if your work may affect them](#).

[Check if you need permission from Natural England](#) for work on or near a protected site.

You can check if your site is [on or near a protected site](#), such as a:

- Special Area of Conservation
- Special Protection Area
- site of special scientific interest

If you apply for an environmental permit because you're on a main river, the Environment Agency will contact Natural England for you.

If you make any changes to the watercourse you must make sure that [fish](#) and [eels](#) can pass freely.

## Deal with waste

If you're going to treat or dispose of waste from your work, find out if you need to:

- get an [environmental permit](#)
- register a [waste exemption](#)

Registering an exemption means you don't need an environmental permit for your activities with waste.

## Discharging water or effluent

You must [apply for a water discharge activity permit](#) to discharge contaminated water including trade or sewage effluent into:

- any watercourse
- some lakes and ponds

- canals
- reservoirs

To discharge to groundwater you must [apply for a groundwater activity permit](#).

## **East Anglia: drainage charges**

If you live in the [pre-2014 Environment Agency Anglian region](#), you'll need to pay [land drainage charges](#).

## **Fishing and boating**

You can usually fish in the stretch of water that you own. You need to check your deeds to find out if fishing rights have been sold or leased.

You must [buy a rod licence](#) to fish, including in the stretch of watercourse that you own.

You'll need to [register your boat](#) if you want to keep it or use it on any waterway or canal.

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## **[Government response: Update on disposal of dredged material at Sprey Point, Devon](#)**

The MMO granted a marine licence to Exmouth Marina in August 2017 for maintenance dredging of Exmouth Marina and disposal of materials at the Sprey Point disposal site. The dredging is due to take place in February 2018.

Information about the marine activities and licence documents are available online via the [MMO's public register](#) (case reference MLA/2016/00372). The MMO is in the process of updating this with additional information requested by local residents.

## **Consultation on licence application**

A public consultation on the application was held in November 2016. As part of this process views were also sought from the local planning and harbour authority which covers the marina, and the MMO's primary advisors including Natural England, the Environment Agency, the Crown Estate and the Centre for Environment, Fisheries and Aquaculture Science. Trinity House were also consulted on navigational issues.

We resolved issues raised as part of the consultation process.

The [public consultation process](#) for marine licence applications is explained in further detail on the MMO's blog.

## **Managing adverse impact on the marine area**

The MMO is aware of the local concern about the potential impact on the marine environment after a pollution incident occurred following previous disposal activity in 2012, although there is no evidence which directly links the two events. Following full consideration of all information, including the responses from our primary and scientific advisors, we have applied additional licence conditions, in particular regarding tide working and seasonality to mitigate the risk of any material being washed ashore and impacting on bathing water quality.

Potential contamination arising as a result of the disposal activity was also addressed as part of the application process. The assessment, which was carried out in line with the OSPAR Guidelines, has shown that the material is suitable for disposal at sea.

The MMO's coastal office will monitor and inspect the activity as appropriate to ensure that the licence conditions are adhered to and will work with other relevant agencies to look at any further concerns.

## **Disposal sites**

It is up to applicants to nominate the disposal site as part of their marine licence application. The MMO then makes a decision based on the suitability of the material.

Where a marine licensable process involves any waste management activity then the provisions of the Waste Hierarchy of the Waste Framework Directive (WFD) (Directive 2008/98/EC) directive have to be considered. Applicants are required to submit evidence that they have considered alternatives to disposal under all aspects of the Waste Hierarchy (Reduce, Re-use, Recycle, Recovery, and Disposal). However the MMO accepts that in some cases disposal at sea is appropriate.

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## **[Notice: WF5 8NE, Kerry Foods Limited: environmental permit application advertisement](#)**

The Environment Agency consults the public on certain applications for waste operations, mining waste operations, installations, water discharge and groundwater activities. The arrangements are explained in its [Public](#)

## [Participation Statement](#)

These notices explain:

- what the application is about
- how you can view the application documents
- when you need to comment by

The Environment Agency will decide:

- whether to grant or refuse the application
  - what conditions to include in the permit (if granted)
- 

## [\*\*Notice: PR4 3WA, Mr Robert Towers, Mr Richard Towers, Mrs Jane Towers and Mr Benjamin Towers: environmental permit application advertisement\*\*](#)

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## [\*\*Press release: Pupils help their schools prepare for flooding\*\*](#)

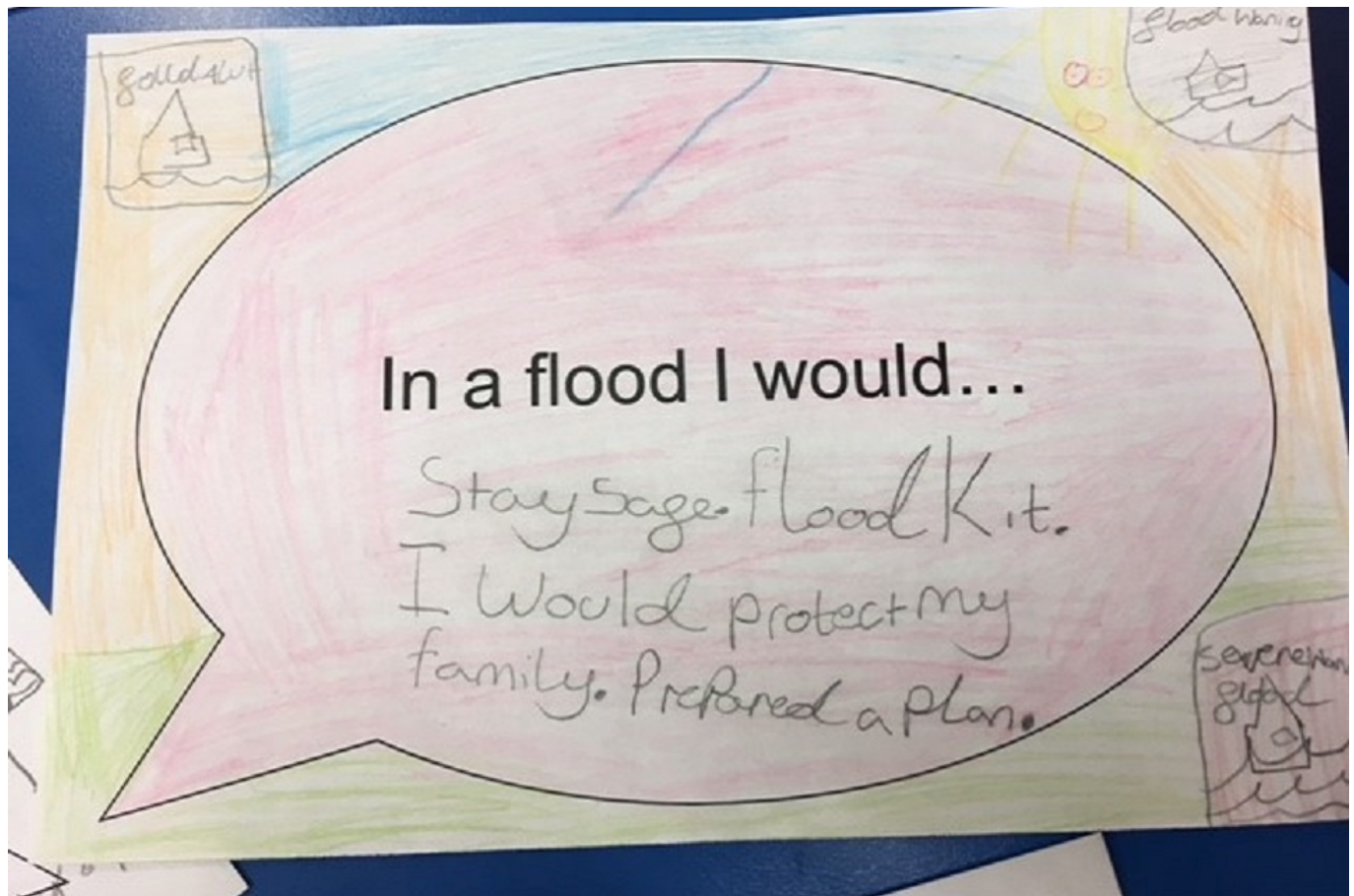
Community Engagement Officer Taryn Al-Mashgari has helped youngsters develop flood plans and 'grab bags' so they are prepared in the event of a flood.



The series of themed weeks – which have so far involved 1,200 primary school children – kicked off at North Fawdon Primary School in Newcastle in January, before moving to South Tyneside ahead of the start of Monkton flood alleviation scheme.

Taryn works with the children in all year groups to help them understand different types of flooding and how it happens. They learn what to do before and during a flood, and learn what the flood warning symbols used by the Environment Agency mean.

They then record mock radio broadcasts about flooding in their community.



### **Important to understand flooding**

Each week ends with a community event attended by parents, Northumbrian Water and Northern Powergrid where children launch the flood plan they've created for their own school.

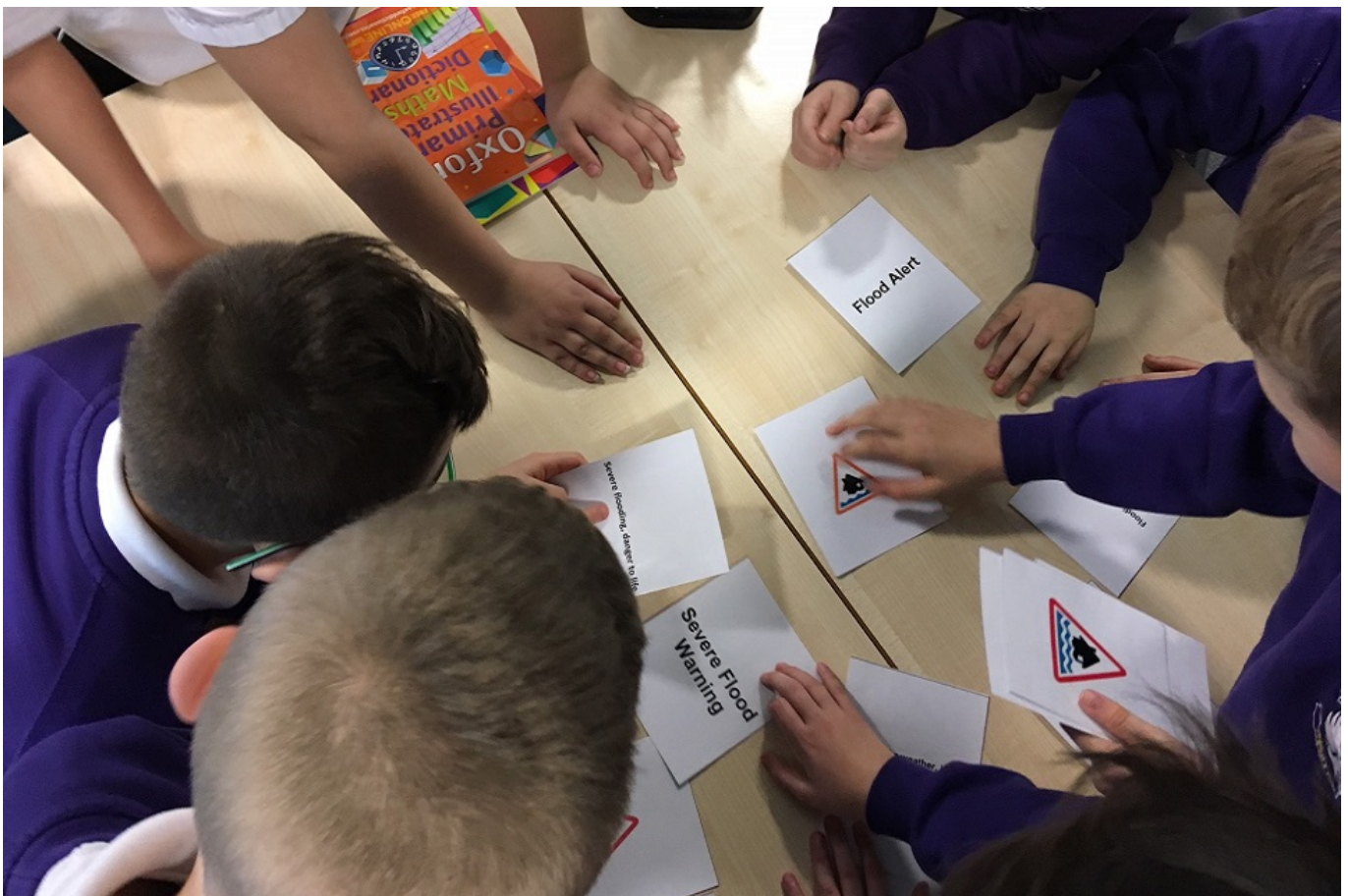
At schools in South Tyneside – St James' RC Primary School and Hebburn Lakes Primary School – Monkton flood scheme project manager Tom Pitman, working for South Tyneside Council and the Environment Agency – and partners at the Tyne Rivers Trust attended to give parents an overview of the project. Taryn said:

It's important that younger people understand what flooding is, how it happens and what the different organisations that deal with flooding do.

We also teach them how to prepare for and what to do during a flood in a series of interactive sessions. It leads to them being able to create a flood plan for their own school, and in turn their parents having a greater understanding.

We know it is absolutely devastating to be flooded and that's why we work closely with our partners to develop schemes to reduce the risk of flooding – such as the project due to start at Monkton.

But we can never completely eliminate the risk and that's why we work hard to educate people and our future generations about what they can do to keep themselves and their valuables safe.



## **Prepare, Act, Survive**

Taryn will visit Toner Avenue Primary School in Hebburn before moving on to Washington with flood weeks at Springwell Village and Albany Village Primary Schools.

She has also developed a teaching pack which will be delivered by secondary schools across the region as part of Personal, Social, Health and Economic (PSHE) curriculum.

The Environment Agency is urging people to 'Prepare, Act, Survive' by visiting the [Floods Destroy website](#) and do three things to prepare for flooding.

- check your postcode and find out if you are at risk of flooding
- sign-up for free flood warnings if you are at risk
- view and save the 3-point flood plan so you know how to 'Prepare, Act, Survive' in a flood