

# RIPARIAN TOOLKIT 2011

## A GUIDE TO SUPPORT COMMUNITY ACTION



**COTSWOLD**  
DISTRICT COUNCIL

# RIPARIAN TOOLKIT: FOR COMMUNITY ACTION

This toolkit provides a guide to the watercourse, ownership and maintenance issues associated with the Riparian\* environments in our communities, as well as a source of ideas, tools and information. This is a useful tool for community groups and others who are trying to address local Riparian issues and are working to improve resilience against potential future flooding.

This document contains examples of community action which can be undertaken to promote and carry out watercourse maintenance. A big thank you is owed to the communities who have kindly shared examples of their resilience projects and achievements.

The toolkit is divided into three main sections:

- Understanding watercourses, ownership and maintenance
- Riparian issues and community actions: a five step process
- Community action - the value of working together

\* Riparian is a term used to describe where a tract of land adjoins a river or stream. Riparian areas play a major role in soil conservation, protecting the diversity of wildlife habitats, fauna and aquatic ecosystems.

This Riparian Toolkit has been produced as a guide for communities within the Cotswold District. Whilst all due care has been taken in the preparation of it, it should not be regarded as a complete statement of the law.

Communities within the Cotswold District may use the information in this Riparian Toolkit freely and flexibly subject to the terms and conditions contained in the Non-Commercial Government Licence for Public Sector Information (version 1.0) (a copy of this Licence is available from the Council on request).

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- Riparian Owners Action Group: A positive response
- The Role of Community Flood Wardens: Handbook
- Waterside Living in Gloucestershire

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# SECTION I: UNDERSTANDING WATERCOURSES, OWNERSHIP AND MAINTENANCE

## 1.1: What is a watercourse?

A watercourse is . . .

Every river, stream, brook, ditch, drain, culvert, pipe and any other passage through which water may flow. A watercourse can be either natural or man-made. In normal conditions a watercourse could be a dry channel in the ground; in storm conditions it may become a raging torrent.

A Main River is . . .

Usually a larger stream or river. However, locally significant smaller watercourses can be designated as Main Rivers. The Environment Agency has authority, powers, rights and responsibilities for managing Main Rivers in England and Wales; a 'Flood Map' detailing their locations can be found on the Environment Agency website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

An Ordinary Watercourse is . . .

Any other river, stream, ditch and culvert not defined as Main River. The responsibility for maintenance of ordinary watercourses lies with anyone who owns land or property adjacent to a watercourse. This is known as Riparian Ownership, and is defined in greater detail in section 1.3

It may not always be possible to see a clear physical difference between watercourses designated as either Main River or Ordinary Watercourse.

This is highlighted by the picture below which shows an Ordinary Watercourse joining the Main River Evenlode at Moreton-in-Marsh.



Ordinary watercourse joining a main river

## 1.2: Watercourse Designations: Values and Benefits

What are watercourses for?

- Providing a safe passage for natural flowing water
- Draining the land, both agricultural and urban
- Providing water for livestock and other agricultural use
- Draining the Highway
- Providing protection from flooding
- Providing navigation channels for boats and other watercraft
- Providing a local amenity - recreation and education
- Supporting biodiversity: aquatic, terrestrial and aerial species
- For ornamental purposes

A well maintained watercourse can play a significant role in:

- Helping to keep the land well drained
- Helping to prevent flooding by allowing water to escape efficiently
- Helping to control surface water
- Helping to prevent localised flooding – via culverts under roads, property entrances etc
- Allowing all the functions that the watercourse was designed for

## 1.3: Riparian Owners: Rights and Responsibilities

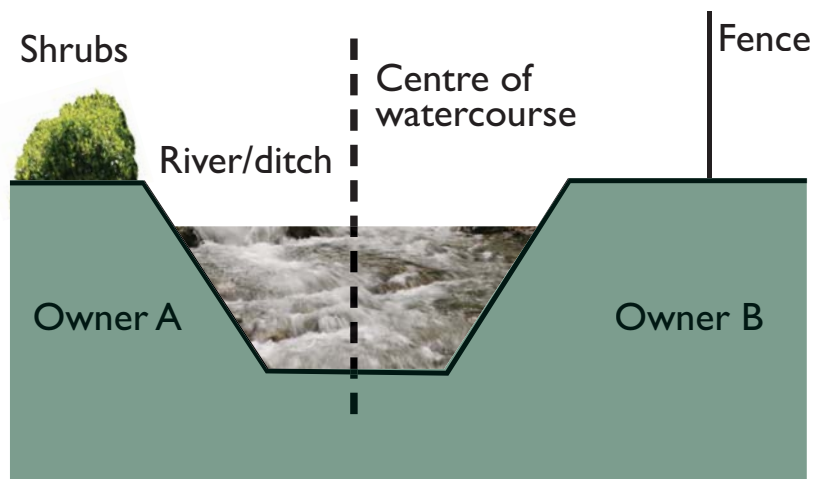
Where someone has a watercourse, such as a ditch, stream or river running through, or alongside their property, they are probably responsible for its maintenance and in legal terms they are a “Riparian Owner”.

Responsibilities as a Riparian Owner are based on the following legislation:

- The Public Health Act 1936
- The Land Drainage Acts 1991 and 1994
- Water Resources Act 1991
- Environment Agency Land Drainage Byelaws 1981

When a watercourse runs between the boundary of a property and a neighbour’s boundary, each property owner will be responsible for maintenance up to the centre line of the watercourse (see diagram below).

Where there is a roadside ditch between a piece of land and a road, almost always it will remain the responsibility of the adjacent landowner. This is because the Highway Authority is usually only responsible for the area that can be travelled on by the public – i.e. the road/ path surface.



**Rights of a Riparian Owner:**

- To receive a flow of water in its natural state, without undue interference in its quantity or quality
- To protect their property against flooding from the watercourse and to prevent erosion of the watercourse banks or any nearby structures
- A Riparian Owner usually has the right to fish in the watercourse, provided legal methods are used. A rod licence will usually be required from the Environment Agency.
- A Riparian Owner can abstract a maximum of 20 cubic metres of water per day for the domestic purposes of their own household or for agricultural use (excluding spray irrigation) without a license. Most other types of abstraction will require a license from the Environment Agency. If the water is to be used for drinking the abstraction must be registered with Cotswold District Council.

**Responsibilities of a Riparian Owner:**

- To pass on water flow without obstruction, pollution or diversion which would affect the rights of others
- 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.
- To maintain any approved structures on their stretch of the watercourse. These may include culverts, weirs and mill gates.
- Riparian Owners must not build a new structure (for example a board walk) that encroaches upon the watercourse or alters the flow of water without first obtaining permission from the Local Authority or Environment Agency.

For more information on the rights and responsibilities of a Riparian Owner please see the enclosed '*Waterside Living in Gloucestershire*' information leaflet produced by Gloucestershire County Council.

## SECTION 2: RIPARIAN ISSUES AND COMMUNITY ACTION: A FIVE STEP PROCESS

An important part of the work involved in resolving Riparian issues, including maintenance of watercourses, is helping to raise the awareness of Riparian Owners, regarding their responsibilities.

Cotswold District Council can, and does, respond to complaints about watercourses that have become blocked, or where the flow of water has been impeded, including where large restrictions and obstructions have impacted on the natural flow of water.

However, it can be extremely advantageous for the local community, Town or Parish Council to intervene before a problem arises, by communicating directly with local landowners.

Before Cotswold District Council investigates a Riparian Issue, we will expect to see that the community has undertaken some preliminary action to deal with the matter first, and the following steps are designated to help provide some guidance.

### **2.1: Identification of a problem**

A high percentage of reports received by Cotswold District Council about the condition of watercourses come from local community members. Many local residents possess a good understanding of how the watercourse would normally function, and they notice when changes occur in water flow. It is advisable that every community should have, or develops an awareness of the important role watercourses play in their local vicinity; they are effective mechanisms for controlling natural water flow and providing protection from flooding,

Large amounts of scrubby or woody vegetation growth or accumulated debris in a watercourse can create large restrictions, noticeably changing the behaviour of the water as it flows downstream.

### **2.2: Establish ownership**

Local knowledge is an extremely valuable tool for a community when determining ownership of land (and associated Riparian responsibilities of the land owner).

If you do not know who owns the piece of land, ask neighbours, tenants or leading members of the community. Word of mouth may be just as useful as searching written records – and could save a lot of time!

### **2.3: Engage with the Riparian owner**

The community may wish to contact the Riparian Owner to make them aware of their responsibilities. Gloucestershire County Council has developed an excellent leaflet called '*Waterside Living in Gloucestershire*' and this, alongside an explanatory letter would be an excellent way of helping raise awareness of Riparian responsibilities within a community.

Community representatives could send Riparian owners the following specimen letter accompanied by a '*Waterside Living in Gloucestershire*' leaflet which has been included in this pack.

### **2.3.1: Specimen letter**

Dear (Landowner)

*We are working to reduce flood risk in this community and your support would be warmly appreciated. As I am sure you are aware the maintenance and clearance of watercourses plays a key role in land drainage and flood risk management. Responsibility for maintenance of watercourses, particularly in relation to roadside ditches, is not generally well understood by the public. To help clarify the position Gloucestershire County Council in partnership with the District and Borough Councils has provided an informative leaflet (enclosed) called "Waterside Living in Gloucestershire".*

*As you will see from the leaflet, responsibility for maintenance of these watercourses lies with Riparian Owners – those people who have a watercourse running adjacent to, or through their land. This includes roadside ditches and also culverts (piped watercourses).*

*We believe that you are a Riparian owner. In other words you have a watercourse or watercourses that may require monitoring and/or maintenance. If this is correct, we suggest that you take action to remove obstructions and debris from your watercourse and undertake maintenance and/or removal of excess vegetation (particularly woody growth). It is also important to check that any culverts are clear and operating efficiently.*

*We are sure you will agree that some simple action now could avoid more expensive work later and help provide flood protection for both your property and that of your neighbours. Furthermore, this remedial work could avoid more formal action being taken by the relevant authority to ensure that the watercourses are maintained.*

*We hope that you welcome this information. Please feel free to contact us should you wish to discuss these issues in further detail.*

### **2.4: Monitor**

Once the Riparian Owner has been contacted continue to monitor the situation.

If maintenance works are undertaken by the landowner, a letter of appreciation or thanks from the community would be a welcome gesture.

If the landowner continually fails to undertake their Riparian responsibilities and you believe that watercourse maintenance work is essential, you may wish to contact Cotswold District Council for further support.

### **2.5: The role of Local Authorities**

#### **2.5.1: Gloucestershire County Council:**

Under the Flood and Water Management Act 2010 Gloucestershire County Council is a Lead Local Flood Authority. (LLFA) and is:

required to develop, maintain, apply and monitor a strategy for local flood risk management in its area. Local flood risks include ordinary watercourses, groundwater and run off from surface water.

Along with all LLFAs, Gloucestershire County Council is also required to:

- Investigate all significant flooding incidents
- Maintain a register of flood defence assets
- Ensure use of sustainable drainage on new developments
- Build partnerships and ensure effective working between authorities that have control over flood risk

To contact Gloucestershire County Council: telephone: 01452 425000



### **2.5.2: Cotswold District Council:**

As a Local Authority, Cotswold District Council has certain powers relating to ordinary watercourses under the Land Drainage Act, 1991. Generally these powers relate to flood prevention, maintaining flows in ordinary watercourses.

The powers can be used to ensure that adequate maintenance and clearance works take place for all ordinary watercourses, drainage ditches and other systems taking land drainage. Permissive powers are also available for the Local Authority to take action against individual Riparian Owners who fail to perform their duties and responsibilities.

Cotswold District Council follows a countywide protocol for dealing with Riparian Issues and this sets out:

- A staged process for dealing with complaints
- Deadlines for site visits and assessments
- A process for communicating with the Riparian Owner
- A process of actions for unresolved complaints

In practice, Cotswold District Council has always endeavoured to resolve watercourse maintenance issues through discussion and negotiation with a Riparian Owner in the first instance. Not only has this approach proved effective, but positive communications encourage a long term relationship with Riparian Owners and help to avoid future maintenance issues.

To contact Cotswold District Council: Telephone: 01285 623000

## SECTION 3: COMMUNITY ACTION: THE VALUE OF WORKING TOGETHER

### 3.1. Riparian Owner Action Groups: Working together to resolve local issues

A common misconception of Riparian Ownership is that it is restricted to landowners of large estates, such as farmers etc. This is not the case and many individual residents and householders have watercourses adjacent to their properties for which they are responsible. For some, the physical and/or financial responsibility for watercourse maintenance can seem overwhelming.

Working in a group with other Riparian Owners can not only reduce the risk of flooding to a community but also lessen the burden on individuals through the sharing of knowledge and information, labour, skills, and resources such as equipment.

Working together as a Riparian Owner Action Group can also provide opportunities for the community to support the combined work of Riparian Owners. This would maximise the impact and benefit of the work through:

- Communication – developing a database of Riparian Owners
- Coordinating and providing a structure for the group
- Mapping the Key watercourses within the catchment
- Helping identify resources to support the activities e.g. grants, fundraising etc
- Liaison with the Environment Agency to request permissions etc.
- Contacting Conservation Officers for advice on habitat protection etc
- Helping with the task (volunteers)

Further information on setting up Riparian Owner Action Groups can be found in the accompanying leaflet '*Riparian Owners Action Group: A positive response*'.

### 3.2. Community Resilience: Three Success Stories

In recent times, a large number of Cotswold communities have been affected by some of the worst flooding in living memory and were forced to confront the devastating consequences that flooding can bring. Flooding is a natural process and although it cannot be prevented, there are actions that a community can take to help prepare themselves for a flood event.

A number of communities from across the Cotswolds have recognised the enormous value of working together to help build future resilience against potential flooding events, by forming Riparian Action/Community Resilience Groups.

These groups meet on a regular basis, systematically working to ensure that watercourses running through their communities are kept clear and free of restrictions.

Detailed below are three examples from local Riparian Action and Community Resilience Groups, highlighting the excellent results which can be achieved in the community.

#### 3.2.1: Naunton:

The Village Flood Group of this small community (pop. 511) in the North Cotswolds was established after the floods of July 2007, when over 20 properties in the village were seriously damaged by flood water.

Since this time the Naunton Village Flood Group has been co-ordinated by a small group of dedicated residents who have worked tirelessly to enlist support and resources from the wider community; including voluntary help from local residents and Riparian owners.



### **Watercourse clearance**

The Flood Group works on behalf of the whole community to keep the watercourses running through the village clear and well maintained. Working together, volunteers undertake watercourse clean-ups in sections of the watercourse twice a year. They systematically work through the river removing overgrown vegetation and any rubbish, branches or other debris which has been swept into the watercourse.

After the first clean up session, the Flood Group reported a noticeable improvement in river water flow; their efforts reduced the water level by 10 inches (250mm); clearly demonstrating the strength and impact of community action.

In addition to the clearance works, the community has also installed an automatic water monitoring system in the river as an early warning precaution. The equipment allows the villagers to monitor the water levels and helps them to predict the likelihood of an impending flood.



### **An automatic water monitoring system can act as an early warning precaution.**

The technology enables flood alerts to be sent via text message to members of the community when the river reaches a certain level. All of the data received from the monitoring device is supplied daily to a web site, allowing residents to log on to access up to date information.

In October 2010, members of the Naunton Village Flood Group were presented with a certificate of achievement from Cotswold District Council in recognition of the positive community resilience action they have undertaken to the benefit of the whole community.

### **3.2.2: Fairford:**

Fairford (pop 3308) established their Emergency Action Group (EAG) after they experienced severe flooding in the town in July 2007. These floods proved to be a significant catalyst for action in the Fairford community, who vowed to be better prepared should future flooding occur.

Fairford has developed a comprehensive Community Emergency Plan and has identified a Community Place of Safety - a local community building which can be used as a safe haven for residents who may need to be evacuated from their homes for a short period during an emergency.

Volunteers from the EAG have a wide range of skills which can benefit the whole community during an emergency. These skills include organisation (co-ordination roles), welfare (caring roles), labour (work force roles) and first aid. Fairford received free first aid training for community volunteers in September 2010 through a joint initiative between the British Red Cross and Cotswold District Council.

The Fairford community has undertaken significant watercourse clearance projects, with many local volunteers lending their support. In particular, the EAG has organised annual watercourse clean-ups, enlisting help from all age groups, different clubs and organisations.



#### **Preparing for watercourse clearance work**

Fairford has also been involved in promoting the responsibilities of Riparian Owners in the wider community; and received a certificate of achievement from Cotswold District Council in 2010 in recognition of the positive community resilience action they have taken to benefit their community.

### **3.2.3: Lechlade**

Lechlade is another large Cotswold town (pop. 2859) that has developed a comprehensive Emergency Plan in consultation with the local community.

The Town Council also set up an Emergency Planning Committee and has established a Community Place of Safety in the event of a local evacuation being required in an emergency.

Lechlade's Community Place of Safety, the local Community Hall, provides a very good example of the entire community working together to achieve greater community resilience. During an emergency the Women's Institute will take on responsibility for operating the building whilst the Lechlade and District Lions will offer practical support and help to evacuate affected residents. Lechlade successfully put their Place of Safety to good use when a number of households had to be evacuated after a car damaged a gas mains, during a road accident.

The Lechlade community regularly clear watercourses in the area. The community have also provided support to Cotswold District Council by helping to document the local impact of the floods of 2007.

Lechlade Town Council received a certificate of achievement from Cotswold District Council in 2010 recognising the positive community resilience action they have taken on behalf of their community.

As well as the above examples, many more communities from all areas of the Cotswolds have achieved an incredible amount of hugely successful, essential and valued watercourse maintenance work. The numbers are impressive, and as of May 2011, across the 450 square miles of the Cotswold District, 36 communities are involved in resilience work. A conservative estimate suggests that, during 2010, some 500 volunteers each committed their time, energy, wellies and shovels to the cause.

If your community is interested in setting up a Riparian Action Group, or would like to receive further information from communities already involved in these activities, please contact Cotswold District Council, Tel: 01285 623000.

### **3.3. The Role of Community Flood Wardens**

Community Flood Wardens can play a crucial role in helping to prepare a community against the risk of flooding. Local knowledge is Key to both preventing flooding and also minimising the impact of flooding if it does occur.

Community Flood Wardens can help prepare the community in a variety of ways. This can include: -

- "Watching" a section of the river and reporting on its condition: By keeping a watchful eye on specific areas of local watercourses a Flood Warden will be able to gain an understanding of how that watercourse functions and when it is at risk of flooding.
- By informing the appropriate people within the community when clearing, maintenance or repair work is required.

More information on the role of Community Flood Wardens can be found in the accompanying leaflet '*The Role of Community Flood Wardens: Handbook*'.

### **3.4. Some things to consider before undertaking any watercourse clearance:**

Conservation Legislation – A number of species, including native crayfish, water voles and nesting birds, are protected by European and/or domestic legislation. Be aware that disturbing a protected species is a serious criminal offence. If you think that the area you are considering clearing may contain any protected species please seek further advice before proceeding. Advice can be obtained from Natural England and/or your local Wildlife Trust.

Flood defence consent from the Environment Agency may be required, please contact your relevant Environment Agency office before progressing.

Waste Management – ditch spoil is categorised as Medium Level Hazardous Waste. Environment Agency Licenses or Exemptions may be required, so please check with your relevant Environment Agency Office before progressing.

Volunteer Safety is crucial, it is essential that risks are assessed prior to work getting underway. Get permission from the landowners before going onto private property.



## **Contact numbers:**

### **Environment Agency:**

Main switchboard: 08708 506506 (Mon-Fri, 8am-6pm).

The local area offices covering the Cotswold District are:

West Thames Area Office, West Area Office, Howbery Park,  
Crowmarsh Gifford, Wallingford, Oxfordshire, OX10 8BD.

Tel: 08708 506506

### **Natural England:**

Main switchboard: 0845 600 3078

Office hours: 8:30am - 5:00pm (Monday - Friday)

### **Gloucestershire Wildlife Trust:**

Phone: 01452 383333

### **Gloucestershire County Council:**

Main switchboard: 01452 425000

Office hours: 8:30am - 5:00pm (Monday - Friday)

### **Gloucestershire Highways:**

Main switchboard: 08000 514514

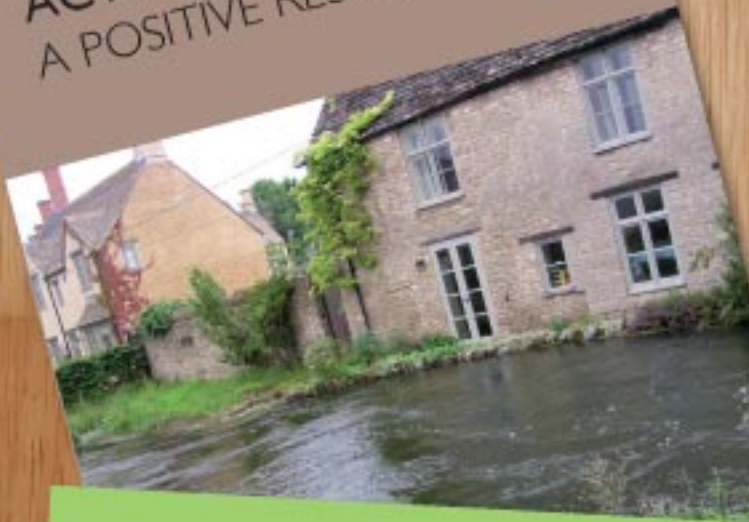
Office hours: 8:30am - 5:00pm (Monday - Friday)

### **Cotswold District Council**

Main switchboard: 01285 623000

Office hours: 9:00am - 5:00pm (Monday - Friday)

RIPARIAN OWNERS  
ACTION GROUP  
A POSITIVE RESPONSE



THE ROLE OF COMMUNITY  
FLOOD WARDENS  
HANDBOOK



COTSWOLD  
DISTRICT COUNCIL

WATERSIDE  
LIVING  
IN GLOUCESTERSHIRE



Do you have a river, stream,  
culvert running through,  
by the roadside, your property?  
You are probably responsible for its  
maintenance and this guide is for you.

This document can be produced in Braille, large print, audio tape and in other languages.

If you would like a copy in one of these formats, please phone the Print and Design Department on 01285 623215.