



Environment
Agency



Your watercourse: rights and roles

gov.uk/guidance/owning-a-watercourse

We are the Environment Agency. We protect and improve the environment.

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land, and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

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Email: enquiries@environment-agency.gov.uk

What is this guide about and who is it for?

If you own or occupy land or property next to or containing a main river in England, this guide is for you.

Where a watercourse runs adjacent to or through your land you will be what is termed a 'riparian landowner' – please see diagram 1 on page 8.

Rivers in England are classified as a 'main river' or an 'ordinary watercourse'. To find out if you own a main river, see the website here: <https://environment.data.gov.uk/asset-management/>

In this guide, we will:

- clarify your roles and responsibilities, and how these are shared between riparian landowners and other organisations such as the Environment Agency, lead local flood authorities, councils, water companies and internal drainage boards.
- summarise considerations and useful guidance on how to maintain your watercourse sustainably.
- summarise guidance on permitting of works and where to find further information and support.
- show how you can work with others to reduce flood risk and protect and enhance the natural environment of our rivers and streams.

For a summary of this guidance see the website here: [Owning a watercourse - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/owning-a-watercourse)

For information on the key organisations, see the ‘Who are the relevant authorities’ section on [page 40](#).

For a definition of the key terms in this guide, please refer to the glossary on [page 54](#).

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What is a watercourse?

A watercourse can be any stream of water flowing in a defined channel or through an underground pipe or culvert. It can be small or wide, natural, or artificial and includes channels that are dry for long periods of time and may not flow every year. A dry channel only filled during temporary flooding is not a watercourse.

Some watercourses in England are designated as ‘main rivers’. These tend to be larger rivers and streams with the highest flood risk, although in some cases they can be small watercourses or drainage channels.

The Environment Agency, using its permissive powers, can carry out maintenance, improvement, or construction work on main rivers to manage flood risk and protect the environment. As these powers are permissive only, the Environment Agency is not obliged to carry out either maintenance or new works on main rivers. The Environment Agency also has permitting and enforcement powers for the same purpose.

For all other watercourses, called ‘ordinary watercourses’, similar powers lie with the lead local flood authority, local council, or internal drainage board.

To find out who your local council is go to: www.gov.uk/find-local-council

To find out if there is an internal drainage board in your area, go to: www.ada.org.uk/member_type/idbs

Do I own a watercourse

Land ownership can be a complex topic, including whether you own a watercourse. It is sometimes unknown, disputed, or difficult to work out, even when looking at title deeds for a property.

Diagram 1 on page 8 shows the typical circumstances in which you are classed as a riparian owner for a stretch of river or other watercourse.

To find out who owns parcels of land, contact the Land Registry who hold most records: <https://www.gov.uk/get-information-about-property-and-land>

To find out if you own a main river, see the website here: <https://environment.data.gov.uk/asset-management/>

A person leasing riparian land will also have riparian responsibilities, unless an agreement to the contrary has been made with the landowner.

You can also find out more about riparian ownership, for both main river and ordinary watercourses, on the Flood Hub's 'Riparian Owner Toolkit' website: <https://thefloodhub.co.uk/riparian-owner-toolkit>

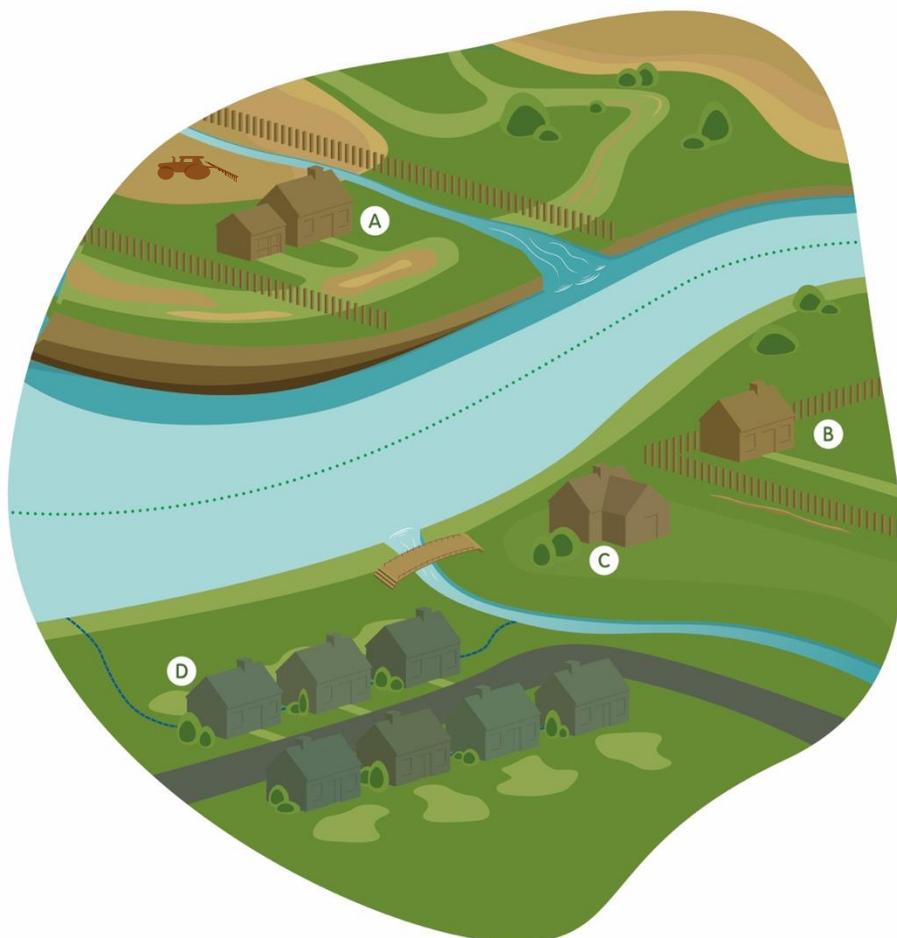


Diagram 1 - An example of the typical circumstances in which you are classed as a riparian owner.

Diagram 1 shows two streams flowing into a large river. Houses are labelled A, B and C and a row of houses is labelled D to show different riparian responsibilities.

Check your property deeds as hedges, fences and earth banks may not signify your legal boundaries.

- A. Property A is responsible for the watercourse which runs through their property. They also own up to the centre of the watercourse that runs along their property boundary to the south.
- B. Property B is not a riparian owner as their property boundary does not extend to the watercourse.
- C. Property C is responsible for the watercourse to the rear of their boundary, extending to the central line. They are also responsible for the stream to the west of the property up to halfway across the watercourse.
- D. A watercourse may also be covered or 'culverted'. Properties D are riparian owners and responsible for the culvert running beneath their properties, as shown by the dashed blue line.

Where a river runs along the boundary of land, the riparian owner will own up to halfway across the watercourse, unless stated otherwise in property deeds.

What are my rights and responsibilities?

As a riparian owner, you have responsibilities for the stretch of watercourse you own. These responsibilities cover all watercourses and are summarised on pages 11 to 13.

As a riparian owner of a 'main river', you have various rights in terms of access to and use of that water. However, all these rights are subject to legal requirements. To fully exercise these rights, permits or licences may be needed from the Environment Agency or other public bodies. Please refer to page 36 'Do I need permission'.

Where the watercourse is an 'ordinary watercourse', you also have various rights in terms of access to and use of that water. For information on any permits or licences required to exercise these rights, contact your lead local flood authority or internal drainage board.

Rivers can be dangerous

Water may look harmless, but it can hide strong flows. Water can be deep and powerful, especially near weirs and sluices. Always be aware of the risk of possible injury or even death when around water.

Never enter the water to remove blockages at times of flood or high flow but instead report it to the relevant authority.

As a riparian owner, you have the right to:

- receive the water in its natural state, undiminished in flow, quantity, and quality.
- protect your property from flooding and your land from erosion, as all landowners have the right to do. However, your actions must not increase flood risk or erosion to other people's property or land, either directly or by impacting other sources of flooding. There are also legal environmental requirements that must be followed.
- fish in your watercourse, although you may need to check your deeds to confirm fishing rights. You must also use a legal method of fishing and have a rod licence from the Environment Agency.
- abstract a maximum of 20 cubic metres (20,000 litres) of water per day from a watercourse at a point that directly adjoins your land. If you plan to take more, you are likely to need an abstraction licence from the Environment Agency.
- use the water in a watercourse for normal purposes, such as watering livestock and domestic purposes.
- use the water in a watercourse for other purposes (e.g., milling, manufacturing or irrigation) provided that the rights of other riparian owners are not affected, and you do not cause pollution or damage to protected habitats and species.

As a riparian owner, you are responsible for:

- obtaining the correct permit, licence, or consent from the relevant risk management authority before starting any activities, works or constructions that need an authorisation (see section ‘Do I need permission?’ on page 36 for further information).
- complying with any byelaws relating to the watercourses in your area. Byelaws totally prohibit certain activities on rivers and their banks. These can be made by risk management authorities i.e., the Environment Agency, lead local flood authorities, district councils or internal drainage boards. For details of any byelaws applicable for your area please contact your relevant local authority.
- letting water flow naturally with undiminished quantity and quality.
- not obstructing the flow of a watercourse to the detriment of your neighbours.
- keeping structures you own, such as weirs, mill gates, moorings, culverts, and access bridges, free from obstruction and in safe condition.
- not disturbing certain species or habitats on the banks or in the watercourse. This includes, but is not limited to, birds and their nests and spawning/eggs of salmon, trout, and other fish.
- preventing invasive species, such as Japanese knotweed, Himalayan balsam, or giant hogweed, from spreading into the wild or on to neighbour’s land.

- seeking permission from the Environment Agency to use herbicides to control weeds in water or on the banks next to a waterbody or watercourse.
- not allowing the watercourse to become polluted. You must not throw garden waste, wastewater, chemicals, or anything else which could cause pollution on the banks or in the water.
- not interfering with any public right of navigation on the watercourse.

Understanding flood risk

Before considering how to maintain your watercourse, it is important to understand any associated risk of flooding and what affect your actions may have. This will help inform your decisions and actions related to any subsequent maintenance.

Floodwater can come from several sources. The five main types are:

- River (or fluvial) flooding: during and after intense or prolonged rainfall, a river channel can exceed its capacity and spill onto the floodplain. This can cause significant flooding to homes, businesses, and agricultural land. It can also be further compounded in coastal areas where tides affect water discharging from rivers.
- Surface water (or pluvial) flooding: during and after intense rainfall, drains and surface water sewers can exceed their capacity. Water cannot drain away, and hard surfaces stop it soaking away, resulting in flooding.
- Sewer flooding: following a failure in the sewage system (such as a blockage) or during and after intense rainfall the sewerage system can be overwhelmed causing flooding and overflow into rivers.
- Coastal flooding: occurs when a low-lying coastal area is flooded by seawater, most commonly during a high tide or storm surge.
- Groundwater flooding: during prolonged heavy rain, the water table in an area can rise to the surface resulting in flooding.

You can find out more about the types of flooding here:

<https://thefloodhub.co.uk/types-of-flooding-toolkit/>

When understanding flooding, it is essential to embed a sustainable approach to how watercourses are managed. Climate change is happening now, and its impacts will continue to worsen. Rainfall patterns are changing, causing more frequent flooding. While risk management authorities continue to protect and prepare communities and businesses, we all (including riparian owners) need to adapt and work together to become more resilient to these challenges.

To find out more about flood risk on your watercourse(s), go to the Environment Agency website here: <https://www.gov.uk/check-long-term-flood-risk>

If you are unable to use the online service, you can also call Floodline:

Telephone: 0345 988 1188

Typetalk: 0345 602 6340

For more information and support on how to prepare for flooding, visit: <https://www.gov.uk/prepare-for-flooding>

You can also find out more about the Environment Agency's Flood and Coastal Erosion Risk Management Strategy here: <https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-strategy-roadmap-to-2026>

Flood risk management assets

A flood risk management asset is usually an engineered structure but may also be a natural feature such as a grass embankment. Their purpose is to help manage the risk of flooding. These assets may be isolated structures, or they may work alongside others. Some structures may be located a significant distance from the communities they protect e.g., a flood storage area and associated embankments.

There are many types of flood risk management assets, including but not limited to:

- Sluice gates
- Earth embankments
- Pumping stations
- Flood walls
- Culverts and outfalls
- Weirs and other passive structures
- Flood storage areas
- Natural Flood Management - please refer to the Glossary on page 55.

If you own a main river, find out what assets are on or near your watercourse(s) by going to: <https://environment.data.gov.uk/asset-management/index.html>

Alternatively, you can contact the Environment Agency's National Customer Contact Centre (03708 506 506).

On main river, where the flood risk to people and property justifies it, flood risk management assets can be maintained and operated by the Environment Agency using its permissive powers. You can find out what maintenance is carried out and where, by visiting <https://environment.data.gov.uk/asset-management/index.html> or calling 03708 506 506.

If you have a flood risk management asset on your land:

- Maintenance of flood risk management assets does not necessarily indicate ownership, and this usually remains with the landowner.
- You may be responsible for maintaining and repairing an asset on your land, or at the very least not causing any damage, for example by installing structures such as fence posts.
- Some flood risk management assets can often be owned by multiple landowners and therefore the responsibility for their maintenance is shared. Where this is the case, it is helpful to work with other owners on a joint approach, to ensure that any work you do on your own section is complemented by work on other sections.

Stopping maintenance on main rivers

The Environment Agency can choose to stop maintaining and operating the assets on main rivers. This happens either because the costs are greater than the benefits to reducing flood risk, or there is another party better placed to take on these responsibilities.

On a main river, you can find out what to do if the Environment Agency stops maintaining a flood defence, here <https://www.gov.uk/guidance/flood-and-sea-defences-when-maintenance-stops>



How can I take care of my watercourse?

How a watercourse should be maintained is unique to each location. For many, the most appropriate and sustainable option is to allow the natural processes of the river environment to maintain the watercourse (see page 32 for further information).

Where work is needed, the management options you apply will be influenced by factors such as the type of watercourse, nearby properties, the surrounding location, and the biodiversity present. For example, a natural flowing river may require different management to an engineered drainage channel. The river will naturally react to any intervention you make, so be sure you understand how the river will react before you take any actions.

This section provides guidance on key considerations and requirements. This is not an exhaustive list or a guide on specific management options. To find out more, advice should be sought from the relevant authority. You may also require a permit to carry out these works; please see page 36 for further guidance on permitted works.

- Always consider your health and safety when taking care of your watercourse, and never put yourself at risk.
- Do not block access to any authorities who may need to carry out routine or emergency works.
- Where possible, manage your watercourse in a way that will benefit local wildlife or enhance the conservation value of your area. Nature based solutions offer a good way to do this - see page 32.

- Monitor and maintain the bed and banks of the watercourse (including trees and shrubs growing on the banks).
- Remove any rubbish and litter that has accumulated in the channel and dispose of correctly.

Do not cause environmental harm

You must not cause environmental harm because of your work, including on more modified drainage channels. For example, damaging bird nests, inhibiting flow downstream, causing fish deaths, or pollution through storage of materials, chemicals etc. on the edge of the watercourse. Every opportunity should be sought to improve the habitat in and around the river.

You can check with local wildlife groups about which species may be present, or refer to this online mapping tool:

<https://magic.defra.gov.uk/>

Think about timing

In-channel weed cutting should ideally take place late in the summer or autumn (weather and flow levels permitting), to ensure the most benefit for winter conveyance and to avoid the bird nesting and fish spawning seasons. Also, cutting in warm weather can increase the risk of seriously affecting the water quality and wildlife, especially for fish.

Tree and bush work can usually be carried out between September and mid-February, unless nesting birds are present.

Vegetation management

This refers to plants growing within the channel – for guidance on trees and other channel maintenance options see the later section.

Vegetation growing within the channel can play an important role in maintaining natural processes, including constructed channels such as drainage ditches. Not only does it provide important habitat for wildlife, but also the oxygen needed to sustain a healthy watercourse. It can also protect the channel bed and banks from erosion during high flows.

When assessing any maintenance requirements, it is important to recognise that different parts of the watercourse will require different management at different times of the year.

Lightly vegetated channels are unlikely to require management. During high flows, the removal of such vegetation will not provide a benefit to reducing flood risk.

Where there is excessive vegetation growth that could increase flood risk upstream, the first action should be to address the cause of it, understanding if it is natural or not. For example, phosphate or nitrate run off increasing plant growth or the presence of invasive aquatic vegetation.

If in-channel weed cutting is necessary, aim to keep as much marginal vegetation on both sides of the channel as possible. As a minimum, marginal vegetation on one side of the channel should be left uncut. Your approach will vary at different sections along the watercourse, and you should consider additional measures such as creating wildlife refuges. Diagram 2 on page 22 provides an example of how vegetation margins could be managed.

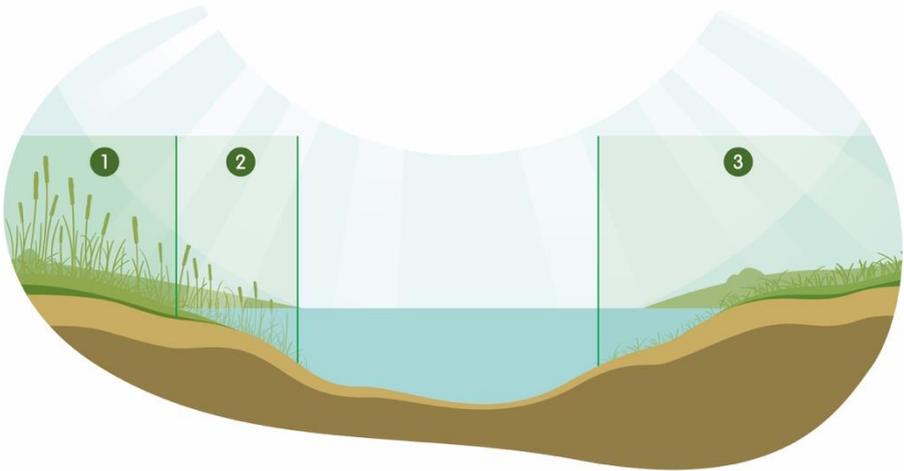


Diagram 2 - An example of how to manage a watercourse, retaining wildlife benefits such as marginal vegetation.

Diagram 2 shows a cross-section of a watercourse. On the left is uncut vegetation above the water (labelled 1) and on the water's edge (labelled 2). On the right bank (labelled 3) is cut grass.

1. Bankside vegetation: where bankside vegetation must be managed, consider leaving one bank uncut, in particular during bird nesting season.
2. Marginal vegetation: unless there is a clear flood risk, retain 20% of the marginal vegetation as valuable wildlife habitat and bank protection.
3. Vegetation management: if vegetation management is required, consider cutting only one side of the channel. Always ensure the conditions are safe and the appropriate equipment is used. Avoid bird nesting season and always check for the presence of wildlife. Ensure you do not damage the channel bed or bank sides.

If possible, leave vegetation near the river for 24 hours and then remove from the bankside. This helps wildlife, prevents blockages, and helps water quality issues. Always remove immediately if the vegetation includes non-native invasive species.



Tree management

You may also need to consider management of trees and bushes in and alongside the watercourse.

As with all maintenance options, full consideration must be given for the wildlife benefits of retaining such natural structures in or over the channel. They provide important habitat, as well as stability to river banks. They also provide shade for the watercourse, which will reduce vegetation growth and maintenance need. For constructed channels such as drainage ditches, leaving trees in place should still be considered.

- Always check with your local planning authority before carrying out any works on trees.
- Leave tree branches and roots in the channel where possible - only remove them where there is an obstructed public right of navigation, or if they could increase the risk of flooding upstream or downstream.
- If trees or branches fall into the channel, consider leaving them in place, pulled into and secured along the bank. This option retains the wildlife benefit, whilst not impeding navigation or causing a flood risk.
- If you do remove branches from in the channel, place them in field margins for amphibians and reptiles to use for shelter.
- Always consider the impact of removing or leaving obstructions to those upstream or downstream. For example, if a blockage or obstruction clearance on your section of watercourse was found to be the cause of flooding, then you could be liable.

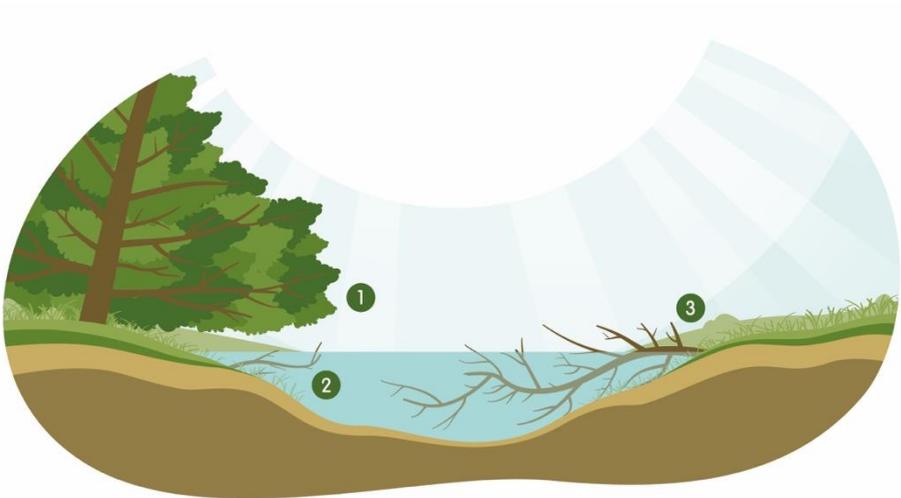


Diagram 3 - An example of how to manage trees within or alongside the channel whilst retaining important wildlife features.

Diagram 3 shows a cross-section of a watercourse. On the left bank there are trees (labelled 1) and a small branch (labelled 2). On the right bank (labelled 3) there is a branch almost spanning the full width of the water.

1. Trees along a river can provide stability to the bank, shading for the watercourse to reduce weed growth and important wildlife habitats. When managing overhanging branches, trim only those lower branches that may cause an obstruction to the flow of water.
2. Consider leaving in branches that fall in the channel, simply pulling and securing them into along the bank if they are causing an obstruction.
3. If trees or branches fall in the channel, only remove them if they pose a specific flood or navigation risk.

Silt and detritus may be good for wildlife, and removal may cause issues downstream. Make sure you understand why you are removing any obstruction and think about its consequences.

Additional channel maintenance

Management of the vegetation, trees and bushes are the primary actions when maintaining your watercourse. However, you may also need to consider additional actions.

Please note, a permit may be required for the works below.

- **Raised embankments:** Maintenance such as grass cutting on an embankment can help protect and bind it, providing a more resilient surface. However, please consider the environmental impact of your maintenance, if it is sustainable and any potential impacts to those downstream. Ensure you check if the bank is a flood defence before considering any works.
- **De-silting:** Some watercourses, in particular those in an urban setting or that have been heavily modified, may see an excessive build-up of silt within the channel. It is important to note silt is natural and important for wildlife and, in many cases, will not increase flood risk. It is also more important to address the cause i.e., stopping the silt entering the channel by creating, for example, grass buffer strips to trap silt and other particles.
- **Dredging:** This is a more invasive action than de-silting and involves reshaping the channel and riverbed. Advice must be sought before carrying out such works and a permit will be required. For advice on when, where and how to de-silt or dredge see the website here:
<https://www.gov.uk/government/publications/dredging-as-a-flood-risk-activity-under-the-environmental-permitting-regulations>

Urban watercourses: additional considerations

Whilst it is more likely that risk management authorities will use their permissive powers to carry out the maintenance on urban watercourses, it is still ultimately the responsibility of the riparian landowner. Due to the proximity of homes and businesses, there may be a greater risk of actions impacting other landowners. Any likely impacts to other landowners should be carefully considered before commencing any work.

- Land ownership in urban areas can be a challenge. If your deeds are unclear or you are unsure, it is strongly recommended to seek legal advice to clarify your rights and responsibilities.
- As noted previously, a main river can include culverted (or enclosed) channels, that may go under your property. These are still considered a watercourse and the landowner has the same rights and responsibilities as for open channels. Maintenance can be a challenge and dangerous – as a first step contact your local authority.
- For listings of organisations to carry out works, search on-line for 'services for watercourse maintenance'.

Farmland watercourses: additional considerations

If your watercourse is in farmland setting, such as arable land or grazed fields, there are wider considerations that may impact or influence your maintenance options. For example, the impact of pollutants on in-channel weed growth, and maintenance options for heavily modified watercourses such as drainage ditches.

- Consider actions to minimise the risk of pollution from agricultural activities, such as those set out in by the Catchment Sensitive Farming initiative:
<https://www.gov.uk/government/publications/applying-the-farming-rules-for-water/applying-the-farming-rules-for-water>
- In heavily modified areas, such as the fens, see the Association of Drainage Authorities website for relevant guidance on various watercourse maintenance topics, or contact your local internal drainage board for advice: <https://www.ada.org.uk/knowledge>
- Look at options to reinstate natural processes that will provide a water management and wildlife benefit, whilst reducing the need to carry out additional maintenance. For example, re-instating meanders, creating wetland or fen habitats and reconnecting the floodplain.
- Stop field drainage running directly into watercourses or onto roads via gateways, paths, or field management techniques.
-

- Remove stock animal carcasses for pollution, disease, and sanitation control.
- Don't let livestock get into the channel and trample or damage banks. You have the right to provide water for livestock but should use troughs or create specific areas of watercourse access to minimise damage.

How can I manage my watercourse sustainably?

Any work on a watercourse needs to be carefully considered to ensure it is effective, sustainable, and beneficial for people and wildlife.

Scientific evidence has shown that more natural and sustainable management often affords greater flood resilience to people and property, while also providing significant benefits to wildlife, water quality and the landscape. Rivers also naturally transport sediment and energy as well as water, which if managed well can decrease flooding and maintenance. We call this 'Working with Natural Processes'. Watercourses can also be vital to maintain land drainage for food production, providing essential water resources. They also provide economic value and greens space to our towns, cities, and countryside.

There is a wealth of knowledge and guidance available to help you make the right decision for your watercourse. Many organisations have developed short explainer videos, guidance documents and case studies to support riparian landowners to create space for wildlife and natural processes. A few examples are below.

- Catchment Based Approach: www.catchmentbasedapproach.org
- 'Working with Natural Processes' guidance: https://assets.publishing.service.gov.uk/media/6036c730d3bf7f0aac939a47/Working_with_natural_processes_one_page_summaries.pdf
- The River Restoration Centre: www.therrc.co.uk/river-restoration
- Stroud Valley Natural Flood Management: <https://www.stroud.gov.uk/environment/projects/stroud-valleys-natural-flood-management-project/>
- 'Slow the Flow' videos from Cumbria Wildlife Trust: www.cumbriawildlifetrust.org.uk/fighting-climate-crisis/combating-effects/slow-the-flow

There are also local initiatives and organisations that can provide advice, with the potential for becoming more involved in catchment-scale projects in your community. Everyone has a role to play in a sustainable and resilient future.

Diagram 4 on page 34 provides an example of the sustainable options that could be considered when managing your watercourse. As with general maintenance, this can be a complex topic and expert advice is recommended.

It is important to note that you may require a permit before carrying out any works, including reinstating natural processes or new habitats. See the next section for guidance on permitting.

The Environment Agency can provide pre-application permit advice about how watercourses can be managed sensitively to improve habitat and reduce flood risk. This includes advising on the method and timing of river maintenance and watercourse improvements so that:

- they support as much native wildlife as possible.
- they are in the best condition to adapt to our changing climate.
- where possible, they reduce flood risk and improve water quality by working with natural processes.



Diagram 4 - An example of options to consider to manage your watercourse and land more sustainably.

1. Look at ways to ‘slow the flow’ and retain water in upland areas e.g. through woody debris and natural dams.
2. Planting trees in the uplands will help to manage the flow of water whilst creating wildlife habitat.
3. Seek advice from a specialist on how you can improve wildlife diversity through habitat restoration, such as reinstating woodland.
4. Consider how you manage livestock access to the watercourse – install water troughs, create offline storage ponds, or restrict access to specific areas.
5. Example of an offline storage pond.
6. Farmers can apply sustainable land management practices, such as buffer strips, cover crops and wildflower planting.
7. Creating or restoring wetland habitats increases water and carbon storage.
8. A floodplain is an area of flat land alongside a river that naturally floods. It is a vital natural feature, and how rivers manage heavy rainfall. Natural Flood Management is an important way to manage flooding sustainably – by reinstating natural features such as floodplain and meanders, you can reduce the risk of flooding to people and homes and create essential wildlife areas.
9. In urban areas, Sustainable Drainage Systems, such as swales and small wetlands, can reduce the risk of flooding.

Surface water flooding and overwhelming of drainage systems is a major risk for urban areas. By installing green roofs, permeable pavements and drives and retention ponds, homeowners and businesses can help to store and slow the flow of water during rainfall events. Even in urban areas, features such as retaining natural grass in gardens and creating a more natural river can help reduce flood risk.

Do I need permission?

Work on or near main rivers and sea defences is regulated by The Environmental Permitting (England and Wales) Regulations 2016. Before any work begins, you may need permission from the appropriate authority. This is called an 'environmental permit' (formally known as a 'flood defence consent'). For main rivers, this is the Environment Agency. For any other watercourse this will be your lead local flood authority or internal drainage board.

This section provides a summary of permitting requirements and considerations; however, it is a complex topic. As a first step, see our website to check if you need a permit:

www.gov.uk/permission-work-on-river-flood-sea-defence

Please note:

- You do not have the right to enter land or property owned by someone else to carry out your work. You must get the owner's permission.
- You are solely responsible for ensuring that your works meet all applicable standards and are fully compliant with current legislative requirements.
- All authorities also have powers to enforce unpermitted work or require remedial action if all relevant consents and conditions are not followed.

What works are exempt from requiring a permit?

An exempt activity is work that does not need permission before you start. Exemptions can vary depending upon several different factors. Please contact the Environment Agency if you need to discuss your plans after reading this section.

Even if works are exempt, you must ensure you comply with all other legislation prior to you commencing the work, particularly with regards to protected species or habitats.

Your activity will be exempt from needing a permit if:

- it meets the description and conditions of one of the 28 exempt flood risk activities listed on our website: <https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities>
- you register your exemption with the Environment Agency before you carry out any work.

It is **free** to register an exemption, simply visit:

<https://register-flood-risk-exemption.service.gov.uk/>

There are also some excluded activities which you do not need a permit for, but you must still comply with certain conditions. Some examples of excluded activities include:

- works in an emergency, such as an unplanned intervention e.g. where there is an imminent serious risk to people, property, or the environment due to flooding or drainage issues.
- using ladders or scaffold towers if they are taken down at the end of each day.
- installing property flood resilience products such as flood doors and airbrick covers.

Permissions to work on a main river

You may need a Flood Risk Activity Permit from the Environment Agency to carry out works or activities, even if you are protecting your own property using your rights as described earlier.

There are three types of permit, depending on the activity you wish to carry out:

- a ‘standard rules permit’: permits that include a set of fixed rules for common activities.
- a ‘bespoke permit’: for all other flood risk activities. These are permits that are tailored to the risks of your activities.
- an ‘exemption’: you do not need a permit, but you must still register your exemption with the Environment Agency (see previous section)

You should make your own inquiries to see what is needed. You must find out which permits (and other licences) you need to undertake works in, under, over and/or within 8 metres (16 metres if tidal) of a main river. This includes maintaining, repairing, building, or removing anything in or around a watercourse.

Please note, all of these rights are subject to legal requirements and other permissions or licences may be required.

For more detailed guidance on what requires a permit and how to apply, visit our website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

What about works on ordinary watercourses?

Works affecting watercourses that are not classed as a main river may require a Land Drainage Consent (also known as ‘ordinary watercourse consent’) from your lead local flood authority or internal drainage board. As with main river, other permissions and licences may be required.

Consenting (under the Land Drainage Act 1991 and local byelaws) also includes works to erect, raise or alter mill dams, weirs, and other obstructions to the flow of an ordinary watercourse. Works which are likely to affect the flow of an ordinary watercourse, such as altering an existing culvert or installing a new culvert, may also require a Land Drainage Consent.

Please contact your lead local flood authority (unitary authorities or county councils) or district council by visiting <https://www.gov.uk/find-local-council> or internal drainage board www.ada.org.uk/idb-map/ to find out more.

Who are the relevant authorities?

There is no single body responsible for managing flood risk in England. The responsibility is jointly owned by several bodies known as risk management authorities. The risk management authorities are:

- Environment Agency
- Lead local flood authorities
- District and borough councils
- Coast protection authorities
- Water and sewerage companies
- Internal drainage boards
- Highways authorities

The Flood and Water Management Act 2010 requires these risk management authorities to co-operate with each other and exchange information. They have flexibility to form partnerships and to act on behalf of one another.

You can also find more detail on the roles of risk management authorities in Annex A of the National Flood and Coastal Erosion Risk Management Strategy here: <https://www.gov.uk/government/publications/national-flood-and-coastal-erosion-risk-management-strategy-for-england--2>

The role of the Environment Agency

In England, the Environment Agency has the strategic overview for flood risk and managing the risk from main rivers, reservoirs, and the sea.

The Environment Agency has permissive powers to maintain and improve main rivers for the efficient passage of flood flows and the management of water levels for various river users and to protect the environment. As these powers are permissive only, the Environment Agency is not obliged to carry out either maintenance or new works on main rivers. Funding is allocated to work where it provides the greatest benefit to flood risk to better protect people, property, and wildlife.

Maintenance of a watercourse is unlikely to be carried out by the Environment Agency for amenity only, or to stop erosion, where this does not threaten flood risk management assets or other structures. Routine maintenance work can include:

- grass cutting and weed control
- removing obstructions from rivers
- repairing and operating sluice gates and pumping stations

The Environment Agency has powers to construct and maintain defences against flooding, to issue flood warnings, and to manage water levels. They will also undertake any works or assess any permits in-line with the government's environmental ambitions.

The Environment Agency can choose to stop maintaining and operating the assets on main rivers. This happens either because the costs are greater than the benefits to reducing flood risk, or there is another party better placed to take on these responsibilities.

The Environment Agency is a statutory consultee on planning matters, providing advice on flood risk and environmental issues for local planning authorities. This includes advising on planning applications where proposed development is at risk of river or sea flooding or could affect flood risk elsewhere. Where major development is inappropriate in flood risk areas, it can require local planning authorities to refer planning applications to the Secretary of State for Planning.

The Environment Agency also advises on neighbourhood, local and strategic plans as well as strategic environmental assessments. The Environment Agency are a statutory consultee for nationally significant infrastructure projects providing advice to the Planning Inspectorate and the government.

The Environment Agency and Town & Country Planning Association have partnered to produce an introductory video on addressing flood risk through the planning system in England. You can view the video here: <https://www.tcpa.org.uk/resources/planning-for-flood-risk-in-england/>

The role of lead local flood authorities

Lead local flood authorities (unitary authorities or county councils) are responsible for local flood risk management. This means ensuring risks of flooding from surface water, groundwater and ordinary watercourses are identified, regulated, and managed as part of a local flood risk management strategy.

They have permissive powers under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010) to regulate ordinary watercourses (outside of internal drainage districts). This includes maintaining a proper flow by issuing consents for altering, removing, or replacing certain structures or features on ordinary watercourses. They can also enforce obligations to maintain flow in a watercourse and repair watercourses, bridges, and other structures. Where required, this can include serving suspension notices, removing unpermitted structures, or prosecuting where in the public interest.

Lead local flood authorities must also investigate local flood incidents and publish the results of such investigations. They also act as a statutory consultee for surface water drainage schemes, planning applications for major developments and maintain a register of assets in the area.

Unitary authorities will also undertake the role of district councils.

The role of district and borough councils

District and borough councils are also risk management authorities and key partners in planning decisions for local flood risk management.

They can carry out flood risk management works on minor watercourses (outside of internal drainage districts). They also work in partnership with the lead local flood authority and others to ensure risks are managed effectively, including decisions on development in their area.

The role of internal drainage boards

Internal drainage boards are independent public bodies responsible for water level management in low lying areas. They work in partnership with other authorities to actively manage and reduce the risk of flooding within their drainage district.

Internal drainage boards have local byelaws to ensure that a drainage system works efficiently, regulate the environmental effects of a drainage system and ensure that flood risk management work is effective.

As a risk management authority, they can carry out work to manage the risk of flooding from ordinary watercourses. They can also work, through an agreement with the Environment Agency, to carry out work on main rivers (subject to environmental permit conditions).

The role of water companies

Water companies play a major role in managing flood risk. They manage the risk of flooding to water supply and sewerage facilities, and flood risk from the failure of their infrastructure.

To find out who your local water supplier is visit:

<https://www.water.org.uk/customers/find-your-supplier>

Highways authorities

Highways authorities (National Highways and unitary/county councils) have the lead responsibility for providing and managing highway drainage and roadside ditches under the Highways Act 1980. The owners of land adjoining a highway also have a common-law duty to maintain ditches to prevent them causing a nuisance to road users.

They co-operate with the other risk management authorities to ensure their flood management activities are well coordinated.

The role of Natural England

Whilst not a risk management authority, Natural England play an important role in managing watercourses and flood risk. Their purpose is to help conserve, enhance and manage the natural environment for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England can advise on nature-based solutions and Catchment Sensitive Farming. They also approve licences for works that may disturb or remove wildlife or damage habitats.

Regional flood and coastal committees

Regional flood and coastal committees provide a link between flood risk management authorities and other relevant bodies to develop mutual understanding of risks in their regions. They are made up of members appointed by lead local flood authorities and the Environment Agency, with a chair appointed by the Secretary of State for Environment, Food and Rural Affairs.

They ensure coherent plans are in place for:

- identifying, communicating, and managing flood and coastal erosion risks across catchments and shorelines.
- promoting efficient, targeted investment in flood and coastal erosion risk management.

Where can I get support?

Reporting incidents

Call the Environment Agency 24-hour Incident Hotline on 0800 80 70 60 to report any of the incidents listed below.

You can also report incidents using the ‘type talk’ service (for the hard of hearing): 0345 602 6340.

You can do this anonymously and request feedback. The Environment Agency will review all incidents and attend those with a high flood or environmental risk.

An incident could include:

- flooding from main rivers.
- blockages which could cause flooding.
- pollution.
- unusual changes in the flow of water.
- collapsed or badly damaged banks.
- any work or activity on or near a watercourse that may not have permission.
- any works in watercourses that may be causing environmental damage.

Contacting the Environment Agency

For general enquiries, call the Environment Agency Customer Service Line on 03708 506 506 Monday to Friday, 8am to 6pm, or email enquiries@environment-agency.gov.uk.

If your query cannot be answered by a Customer Service Advisor, they will liaise with the relevant local team on your behalf and pass on details if required.

All environmental and flood incidents should be reported on 0800 80 70 60.

To find out if you are at risk of flooding, and for more information about how to prepare for flooding and to sign up to receive free flood warnings, visit our website:

www.gov.uk/topic/environmental-management/flooding-coastal-change or call Floodline on 0345 988 1188.

Lead local flood authorities

Your lead local flood authority will be your local unitary authority or county council.

Find out more information on who your lead local flood authority is by visiting www.gov.uk/find-local-council

Internal drainage boards

Find out more information on who your local internal drainage board is by visiting the Association of Drainage Authorities (ADA) www.ada.org.uk/member_type/idbs or your lead local flood authority website.

Local Government and Social Care Ombudsman

Complaints regarding the operations of the Environment Agency, a local authority or internal drainage board can be made to the Local Government and Social Care Ombudsman (LGO). The LGO can be contacted once the respective authority's complaints procedure has been exhausted and the matter has not been satisfactorily resolved. It is a free service. You can contact the Ombudsman on 0300 061 0614 or visit www.lgo.org.uk

Agricultural Land and Drainage Tribunal

Where you experience flooding caused by blocked drainage channels/ditches or inadequately drained land, the Agricultural Land and Drainage Tribunal may be able to help. They can arbitrate where there are land drainage or watercourse maintenance disputes between landowners or occupiers. It is currently free to make an application to the tribunal.

For more information, please visit First-tier Tribunal (Property Chamber) Agricultural Land and Drainage: <https://www.gov.uk/guidance/agricultural-land-and-drainage-disputes-apply-to-a-tribunal>

Other contacts:

- National Highways: 0300 123 5000 or email info@nationalhighways.co.uk
- Natural England: www.gov.uk/government/organisations/natural-england or contact them on 0300 060 3900 or enquiries@naturalengland.org.uk
- Local Government Association: <https://www.local.gov.uk/> or call 020 7664 3000
- The Office for Environmental Protection (public body): www.theoep.org.uk/office-environmental-protection or call: 03300 416 581
- Country Land and Business Association: www.cla.org.uk
- National Farmers Union, NFU CallFirst: 0370 845 8458: <https://www.nfuonline.com/>

Useful links

Owning a watercourse

- 'Owning a Watercourse' (gov.uk):
<https://www.gov.uk/guidance/owning-a-watercourse>
- Main river and asset mapping:
<https://environment.data.gov.uk/asset-management/index.html>
- Land Registry: <https://www.gov.uk/get-information-about-property-and-land>

Environment Agency maintenance and enforcement

- Planned activities and indicative funding for river and coastal maintenance: <https://www.gov.uk/government/publications/river-and-coastal-maintenance-programme>
- Information about Environment Agency enforcement work:
<https://www.gov.uk/guidance/how-youll-be-regulated-environmental-permits#enforcement>

Environment Agency permits, flood risk activity exemptions and licences

- When and how to apply for a permit or exemption: www.gov.uk/permission-work-on-river-flood-sea-defence
- Find out about flood risk activity exemptions, which used to need flood defence consent, and how to register them: <https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities>
- Using herbicides near water (permit): <https://www.gov.uk/government/publications/application-to-use-herbicides-in-or-near-water>
- Abstraction or impoundment licencing: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>
- Fishing rod licence (application): <https://www.gov.uk/fishing-licences>

Flooding

- Know your flood risk: <https://www.gov.uk/check-long-term-flood-risk>
- Independent Flood Directory: <https://bluepages.org.uk/>
- The Flood Hub – Knowledge Hub:
<https://thefloodhub.co.uk/knowledge-hub/>
- National Flood Forum: <https://nationalfloodforum.org.uk/>

Sustainable watercourse management

- Local species and habitat information: <https://magic.defra.gov.uk/>
- Managing rivers sustainably: www.catchmentbasedapproach.org
- Working with natural processes to reduce flood risk:
<https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/working-with-natural-processes-to-reduce-flood-risk>
- How to safely and legally dispose of dead farm animals and horses: <https://www.gov.uk/guidance/fallen-stock>

Glossary

- **Abstraction** (of water): refers to the taking or extracting of water from a natural source, such as rivers and lakes.
- **Catchment**: an area of land, including hills, mountains, buildings etc., from which water drains before flowing into rivers, streams, lakes, and the sea.
- **Climate change**: the long-term changes to average worldwide temperatures and weather patterns.
- **Culvert**: a structure, such as a pipe, that allows water to flow underneath obstructions such as buildings and roads.
- **Flood resilience**: this refers to actions that can reduce the impact of flooding when it does occur, such as ways to protect your home and recover quickly from flooding.
- **Impoundment**: Any dam, weir or other structure that can raise the water level of a water body above its natural level.
- **Invasive species**: Any native or non-native animal or plant that can spread, causing damage to the environment, economy, and human health.
- **Irrigation**: the practice of supplying land with water so that crops can grow.

- **Natural Flood Management (NFM):** actions that use various techniques to restore or mimic the natural functions of rivers, floodplains, and the wider catchment to reduce the risk of flooding in a long-term and sustainable way.
- **Nature based solutions:** actions that involve working with nature to address the climate and biodiversity crises, as well as other societal challenges, from restoring natural ecosystems or working land sustainably.
- **Permissive Powers:** when an organisation has statutory powers to carry out works but these powers are discretionary in nature with no legal duty to exercise them.
- **Riparian:** relating to or situated on a river.
- **Silt:** relates to the fine material found in the channel of a river, such as gravels or soils.
- **Sluice gate** (or penstock): a type of door or valve that can be moved to control the flow of water along a watercourse, varying in dimensions and structure.
- **Sustainability:** in the context of this document, sustainability refers to looking at the economic, social, and environmental effects of actions to ensure a long-term benefit.
- **Weir:** is a structure built across a watercourse to raise the upstream level.

Would you like to find out more about us or your environment?

Then call us on: 03708 506 506 (Monday to Friday, 8am to 6pm)

Email: enquiries@environment-agency.gov.uk

Or visit our website: www.gov.uk/environment-agency

incident hotline

0800 807060 (24 hours)

floodline

0345 988 1188 (24 hours)

Find out about call charges (<https://www.gov.uk/call-charges>)

Environment first

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