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Guidance

Owning a watercourse

Your responsibilities and rules to follow for watercourses on or near your property, and permissions you need to do work around them.

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From:

Environment Agency (<https://www.gov.uk/government/organisations/environment-agency>)

Applies to:

England (see guidance for Northern Ireland (<https://www.infrastructure-ni.gov.uk/articles/rivers-maintenance-and-flood-management#toc-6>), Scotland (<https://www.sepa.org.uk/regulations/water/engineering/>), and Wales (<https://naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>))

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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 (<https://www.gov.uk/report-an-environmental-incident>) 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 (<https://www.gov.uk/government/publications/application-to-use-herbicides-in-or-near-water>).

Find out how to prevent rainwater carrying topsoil into the watercourse and polluting it in the Think Soils publication. (<https://ahdb.org.uk/projects/documents/ThinkSoils.pdf>)

You should:

- remove litter from the banks

- remove animal carcasses - contact your local council (<https://www.gov.uk/find-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 (<https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife#protected-species>), including the bed and banks
- not disturb birds and their nests (<https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences>)
- not disturb the spawning or eggs of salmon, trout or other fish
- prevent invasive species (<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>) 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 (http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683&y=355134&scale=1&layerGroups=default&ep=map&textonly=off&lang=_e&topic=mainrivers), your risk management authority is the Environment Agency (<https://www.gov.uk/government/organisations/environment-agency/about/access-and-opening>)
- any other watercourse, your risk management authority is your lead local flood authority (<https://www.gov.uk/find-local-council>) (either unitary authorities or county councils) or the internal drainage board (<https://www.ada.org.uk>)

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 (<https://www.gov.uk/guidance/flood-and-sea-defences-designated-assets-on-your-land>).

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 (http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683&y=355134&scale=1&layerGroups=default&ep=map&textonly=off&lang=_e&topic=mainrivers), the authority is the Environment Agency (<https://www.gov.uk/government/organisations/environment-agency/about/access-and->

opening).

On any other watercourse, the authority will be either your lead local flood authority (<https://www.gov.uk/find-local-council>) or the internal drainage board (<https://www.ada.org.uk>).

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 (<https://www.gov.uk/guidance/flood-and-sea-defences-when-maintenance-stops>).

On any other watercourse, contact your lead local flood authority (<https://www.gov.uk/find-local-council>) or internal drainage board (<https://www.ada.org.uk>).

Check your flood risk

You can:

- check your immediate and long-term flood risk (<https://www.gov.uk/check-flood-risk>)
- sign up to get flood warnings by phone or text (<https://www.gov.uk/sign-up-for-flood-warnings>) 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 (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>) from the Environment Agency.

On the River Thames you must also apply for a River Thames accommodation licence (<https://www.gov.uk/government/publications/river-thames-accommodation-licence-application-for-new-accommodation>).

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 (<https://www.gov.uk/find-local-council>) or internal drainage board (<http://www.ada.org.uk>).

If the tide affects your watercourse

Find out if you need a marine licence (<https://www.gov.uk/topic/planning-development/marine-licences>) 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 (<https://www.planningportal.co.uk/?docRef=LocalInformation&scope=202&langid=0>) 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 (<https://www.gov.uk/guidance/water-management-abstract-or-impound-water>) 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 (<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>).

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

- your lead local flood authority (<https://www.gov.uk/find-local-council>)
- the internal drainage board (<https://www.ada.org.uk>)

To build a hydropower scheme, find out which licences and permissions you need (<https://www.gov.uk/guidance/new-hydropower-scheme-apply-to-build-one>).

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 (<https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife#protected-species>).

Check if you need permission from Natural England (<https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>) for work on or near a protected site.

You can check if your site is on or near a protected site (<https://www.gov.uk/check-your-business-protected-area>), 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 (<https://www.gov.uk/guidance/fish-pass-approval>) and eels (<https://www.gov.uk/guidance/safe-passage-for-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 (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>)
- register a waste exemption (<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>)

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 (<https://www.gov.uk/government/collections/environmental-permit-application-forms-standard-permit-water-discharge>) 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 (<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>).

East Anglia: drainage charges

If you live in the pre-2014 Environment Agency Anglian region (<https://www.gov.uk/government/publications/environment-agency-area-and-region-operational-locations>), you'll need to pay land drainage charges (<https://www.gov.uk/guidance/drainage-charges-for-occupiers-of-land-in-the-anglian-area>).

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 (<https://www.gov.uk/fishing-licences>) to fish, including in the stretch of watercourse that you own.

You'll need to register your boat (<https://www.gov.uk/register-a-boat>) if you want to keep it or use it on any waterway or canal.

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Policy

- Flooding and coastal change (<https://www.gov.uk/government/policies/flooding-and-coastal-change>)

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