

# Ditches and drainage in Herefordshire

Your responsibilities

Balfour Beatty

Herefordshire Council

Working for Herefordshire

# Your responsibilities for ditches and drainage – a guide

At Herefordshire Council and Balfour Beatty Living Places we're committed to reducing the risk of flooding, as well maintaining the condition of our highways by keeping them clear of excess water. We want to work together with the other parties responsible for ditches and drainage to make sure we keep flooding risk low across the county. This leaflet explains who is responsible for ditches and other drainage systems on the highway, or in land and property adjoining it.

## Who is a riparian owner?

The owner of land or property that adjoins a watercourse, such as a roadside ditch, is known as the riparian owner. Although the Highways Authority is responsible for the highway, we don't own the sub-soil of the highway. The owner of the land or property adjoining the highway is normally the sole riparian owner.

### Why does this matter?

Good roadside drainage is essential. Poor drainage damages roads and creates hazards for road users and local residents alike. Good drainage will reduce maintenance and costs for everyone.

### What happens if a riparian owner fails to look after a watercourse?

- Deterioration in the condition of the highway
- Potential flooding of properties, the highway, and surrounding land
- Possible enforcement action and liability in the event of an incident or prosecution

### Riparian owner responsibilities

- You must accept the natural flow of water across your land from an upstream neighbour and allow this, together with drainage from your property or land, to flow downstream.
- You must carry out necessary maintenance of the watercourse through or adjoining your property at your own expense, to the satisfaction of the local land drainage body which could be either Herefordshire Council, the River Lugg Internal Drainage Board or Lower Severn Internal Drainage Board.
- You must maintain the banks and bed of the watercourse, including any piped sections, to avoid any obstruction to the flow of water. This includes trees, shrubs, and litter.
- Before you build or alter any culvert, mill, dam, weir or other similar obstruction in a watercourse, you'll need to seek 'ordinary watercourse flood defence consent' from Herefordshire Council.
- Where a watercourse is sited between two or more properties, each owner is equally responsible.
- You must obtain land drainage consent for any building, planting or alterations within eight metres of the bank

## Ditch maintenance responsibilities

The image below shows who is responsible for what.
You can find more information for riparian owners online: **www.gov.uk/guidance/owning-a-watercourse**.




## Common problems affecting watercourses

- Allowing silt to build up causing a blockage
- Failing to keep vegetation growth under control
- Disposal or storage of garden or domestic waste on the banks
- Failing to clear the entrances to piped ditches

## Getting rid of waste

You'll need to dsipose of any waste you remove from ditches in accordance with the Environmental Protection Act.

For example, you should remove any cuttings from clearance work and keep them clear of the watercourse, so they don't fall in the water and cause blockages downstream. Similarly, you'll need to make sure any debris you disturb doesn't end up flowing downstream and causing problems for other landowners

## What should I do if I want to make any changes?

If you want to pipe, bridge or cover an ordinary watercourse, you must submit details of your proposals first and get consent in writing from the relevant drainage body.

Ordinary watercourses are managed by the local land drainage body – that is, either Herefordshire Council, the River Lugg Internal Drainage Board or Lower Severn Internal Drainage Board.

Inadequately piped watercourses can create flooding, safety, maintenance, and environmental problems. So, it's generally discouraged to culvert a watercourse and you'll usually only get consent if there's no practical alternative.

If an obstruction or lack of maintenance impedes the flow of any watercourse, the drainage body may serve notice on the owner. If you, as the riparian owner, don't take action the drainage body may carry out the work and recover the cost from you.

# Roadside ditches and watercourses

## There are three categories of roadside ditch:

- A ditch in the field side of a fence or hedge taking land drainage as well as highway drainage, which is the responsibility of the riparian owner.
- A ditch on the road side of a fence or hedge taking land drainage as well as highway drainage, which is also the responsibility of the riparian owner.
- A ditch created by the Highway Authority for the sole purpose of draining the highway, which is the responsibility of the Highway Authority.

Most open ditch drainage systems are the responsibility of the riparian owner, but the Highway Authority has prescriptive powers to drain the highway into them.

Riparian owners are those who own the land adjoining the highway. You have a duty to keep all roadside ditches clear, with the exception of those created by the Highway Authority for the sole purpose of draining water from the Highway. This duty extends to the entire width of the ditch.

The Highway Authority has powers to cleanse and restore the profile of these ditches. Except in an emergency you will be notified, and a notice served if needed.  But, if the Highway Authority does need to put these powers into practice, it doesn't relieve riparian owners of their duties and you may still be charged.



### How to get in touch

You can call our Customer Service team on 01432 261800. Or you can enquire online via:
**www.herefordshire.gov.uk/contactform**