

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(s).
- 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(s).
- A ditch created by the Highway Authority for the sole purpose of draining the highway. The Highway Authority is responsible for the ditch.

Most open ditch drainage systems are the responsibility of the Riparian Owner(s) but the Highway Authority has prescriptive powers to drain the highway in to them. Riparian Owner(s) are those who own the land adjoining the highway. The 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, falls to Riparian Owner(s). This duty extends to the entire width of the ditch. The Highway Authority has powers to cleanse and restore the profile of these ditches, however the exercise of these powers does not relieve Riparian Owners of their duties, who may still be charged.

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 rubbish or waste on the banks
- Failing to clear the entrances to piped ditches
- Failing to obtain land drainage consent for any building, planting or alterations within eight metres of the bank

What do I need to do if I wish to make changes?

Should you wish to pipe, bridge or cover an ordinary watercourse, you must submit details of your proposals and obtain consent in writing from the relevant Drainage Body. Ordinary watercourses are managed by the local Land Drainage Body, either Herefordshire Council, River Lugg Internal Drainage Board or Lower Severn Internal Drainage Board.

Inadequately piped watercourses can create flooding, safety, maintenance and environmental problems. Culverting of watercourses is generally discouraged and consent will usually only be granted if there is 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 no action is taken, the Drainage Body may carry out the work itself and recover the cost from the Riparian Owner.



Call our Customer Services Team on 01432 261800 to discuss problems or enquire online through: www.herefordshire.gov.uk/contactform

If you require this information in a different format, e.g. an audio tape or other language, please ask an English speaker to telephone us.

Balfour Beatty

 **Herefordshire Council**

Working for Herefordshire

Guidance on Your Responsibilities



Ditches and Drainage in Herefordshire

Herefordshire Council and Balfour Beatty Living Places are committed to reducing the risk of flooding, as well as maintaining the condition of highways by keeping them clear of excess water. Good roadside drainage is essential and we want to work effectively with other parties responsible for ditches and drainage.

Poor drainage damages roads and creates hazards for road users and local residents. Good drainage will reduce maintenance and costs for all.

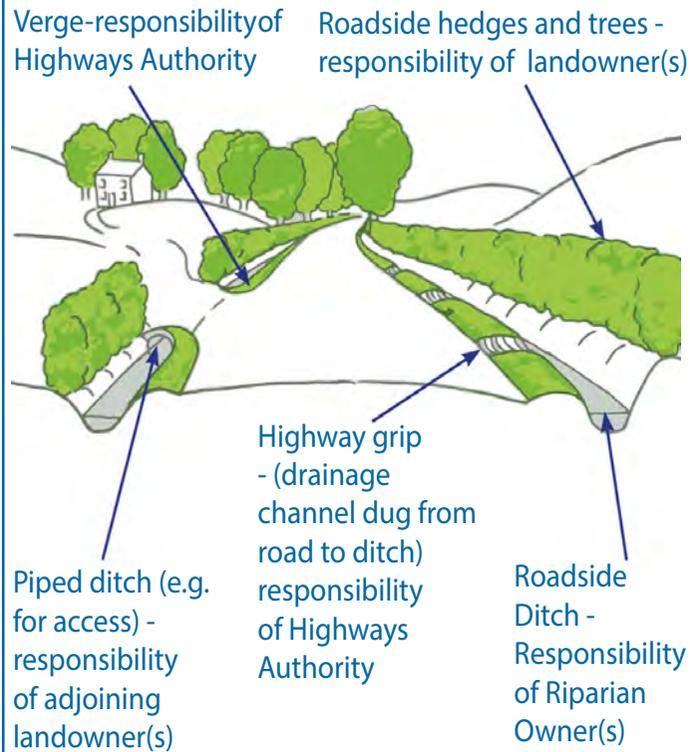
This leaflet explains who is responsible for ditches and other drainage systems on the highway or in land and property adjoining it.



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 do not own the 'sub-soil' of the highway. The owner of the land or property adjoining the highway is normally the sole Riparian Owner.

Ditch maintenance responsibilities:



What happens if a Riparian Owner fails to look after a watercourse?

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



Riparian Owner responsibilities

- o You must accept the natural flow of water across your land from an upstream neighbour and transferring this, together with drainage from your property or land, downstream.
- o You must accept water ponding on your land even if caused by inadequate capacity downstream as there is no common law duty to improve a watercourse downstream.
- o You must carry out any necessary maintenance of the watercourse at your own expense to the satisfaction of the local Land Drainage Body.
- o You must seek Ordinary Watercourse Flood Defence Consent from Herefordshire Council for erecting or altering any culvert, mill, dam, weir or other like obstruction in a watercourse.
- o You must maintain the banks and bed of the watercourse or of the piped sections to avoid any obstruction to the flow of water. This includes trees, shrubs and litter, even if not deposited by you.
- o Where a watercourse is sited between two or more properties, each owner is equally responsible.

Disposal of Waste

Any waste removed from ditches should be disposed of in accordance with the Environmental Protection Act.

Cuttings from any clearance work should be removed and kept clear of the watercourse or disposed of to avoid re-entry which might cause blockages downstream. Similarly, ensure that any disturbed debris does not end up flowing downstream and causing problems for other landowners.

For more information (Riparian Owners) visit www.gov.uk/guidance/owning-a-watercourse.