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Royal Borough
of Windsor &
Maidenhead

Responsibilities for a Watercourse



What is a watercourse?

A watercourse is **any channel through which water flows**. This includes rivers, streams, ditches, drains, cuts, culverts, dikes, sluices and sewer passages (but not public sewers). If you own land that a watercourse runs through, or even next to, you are known as a **riparian owner** and are responsible for your section of the watercourse.



Ordinary Watercourse vs Main Rivers

A **Risk Management Authority (RMA)** is an organisation that investigates, assesses and manages the risks associated with an area that they have been made responsible for. There are **multiple RMAs for different aspects of flooding in the UK**. Watercourses are broken down into **two different categories with two different RMAs**, seen below.



Environment
Agency

The **Environment Agency (EA)** are the RMA for **main rivers**. You can see every main river in the UK on their interactive map. This includes responsibility for all flooding associated from main rivers.



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As the **Lead Local Flood Authority (LLFA)**, **RBWM** are the RMA for **‘ordinary watercourses’**. These are simply any watercourse that is **not designated as a main river**.



ArcGIS Online https://www.arcgis.com > apps > webappviewer

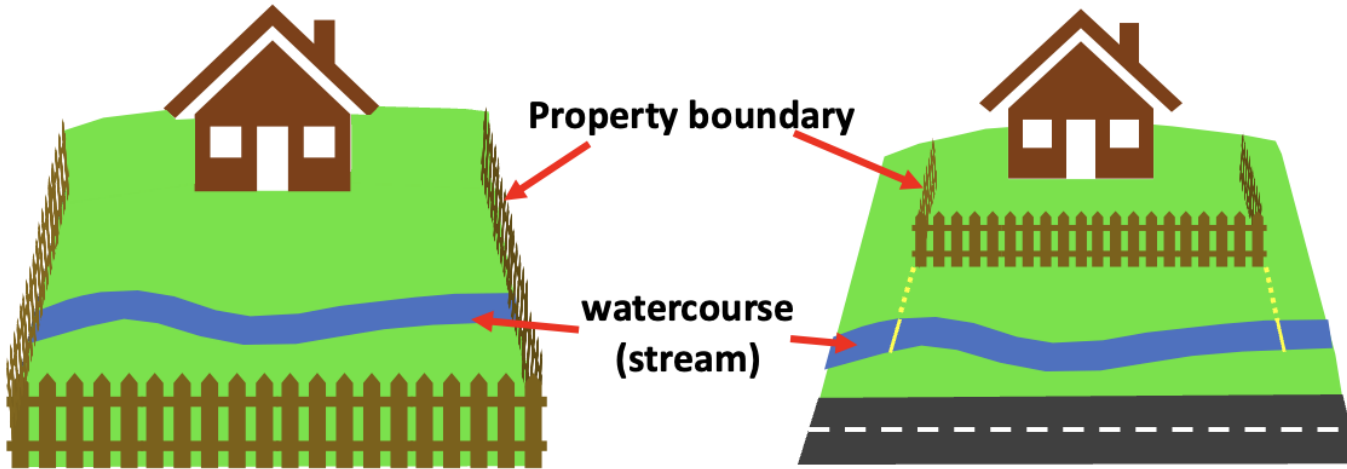
Statutory Main River Map

The layer, Statutory Main River Map, Statutory Main River Map Variations Pre2021, Statutory_Main_River_Map_Variations_2022, cannot be added to the map. OK.

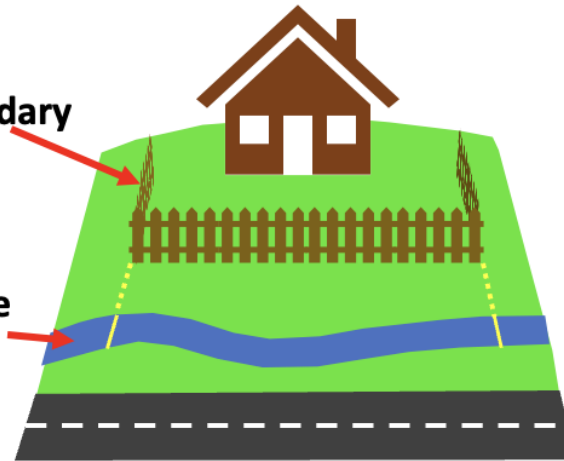


Am I responsible?

Let's look at a few scenarios relating to ownership of a watercourse, seen below.



A The watercourse runs directly through your land/property. This means you are responsible for the entire section that flows within your land.



B The watercourse runs adjacent to your property (and no other property). This means that you are responsible for the entire section that flows adjacent to your land.



C The watercourse runs adjacent to yours and another property. This means that you are responsible for the section that flows adjacent to your property, but only the half of the channel that is closest to your property (highlighted above).

Responsibilities of a riparian owner

If you qualify as a 'riparian owner', you have several responsibilities these are covered in the Land Drainage Act (1991) and are highlighted below. **As a riparian owner you must:**

- ◆ Maintain the bed and banks of the channel, keeping them clear of obstructions to flow.
- ◆ Maintain the flow of any culverted or piped watercourses.
- ◆ Keep any structure within the watercourse free of debris, including trash screens, weirs, culverts and mill gates.
- ◆ Not cause any obstructions, temporary or permanent that would stop fish passing.
- ◆ Not allow the watercourse to become polluted. This includes putting garden waste into the channel.
- ◆ Control invasive species (such as Japanese knotweed)
- ◆ Make sure any work is in keeping with the natural river system – work must not damage wildlife, and every opportunity should be sought to improve habitats.



Enforcement

Under Section 25 of the Land Drainage Act (1991), RBWM have the power to require works for maintaining the flow of a watercourse.

In many cases, this can be resolved by a discussion with the landowner. However, in more serious cases, or where a landowner is not complying with the request, **notice can be served** on them to complete **specified works by a selected date.**

Should the landowner **fail to comply**, **RBWM can arrange for the works to be carried out** themselves, before recovering the cost of this from the landowner.

The screenshot shows the legislation.gov.uk website. The header includes the Royal Coat of Arms, the text 'legislation.gov.uk', and navigation links for 'Home', 'Explore our collections', 'Research tools', 'Help and guidance', 'What's new', and 'About us'. There are also links for 'English' and 'Cymraeg'. A search bar is present with a dropdown menu set to 'All UK Legislation (excluding originating from the EU)'. The main content area is titled 'Land Drainage Act 1991' and includes a breadcrumb trail: 'UK Public General Acts > 1991 c. 59 > Part II > Control of flow of... > Section 25'. Below the title, there are tabs for 'Table of Contents', 'Content', and 'More Resources'. A navigation bar includes 'Previous: Provision', 'Next: Provision', 'Plain View', and 'Print Options'. The 'Content' tab is active, showing a 'What Version' section with 'Latest available (Revised)' selected and 'Original (As enacted)' as an option. The 'Advanced Features' section includes 'Show Geographical Extent' (unchecked) and 'Show Timeline of Changes' (checked). The 'Timeline of Changes' section shows a horizontal timeline with three points: '01/12/1991', '01/04/1996', and '06/04/2012'. Below the timeline, a box titled 'Changes to legislation:' contains text stating that the Land Drainage Act 1991, Section 25 is up to date with all changes known to be in force on or before 22 April 2026. The main text of Section 25 is visible at the bottom, starting with 'Powers to require works for maintaining flow of watercourse.' and a subsection (1) starting with 'F1 ...'.

Enforcement

Under **Section 23 of the Land Drainage Act 1991**, written consent from RBWM is required before culverts, weirs or other obstructions are installed or altered in an ordinary watercourse. If works are carried out without that consent, **Section 24 gives RBWM the power to take enforcement action.**

RBWM would normally seek to **resolve the issue informally first**. However, where necessary, the **Council can serve notice** requiring the problem to be remedied, for example by **removing the obstruction, within a specified period.**

Failure to comply is an offence and can lead to prosecution. RBWM can also arrange for the remedial works to be carried out and **recover the reasonable costs.**



Works within an ordinary watercourse

Any works that COULD affect the flow of an ordinary watercourse require consent from RBWM council, even if they are only temporary.

This could include installing a culvert, bridge, dam, pond or other structure that would change the banks or alignment of the watercourse.

If it's in the cross section of the watercourse, it needs consent.

You can apply on our website (£50 per structure)

Ordinary watercourse consents

Information about ordinary watercourse consents.

Following the enactment of the [Flood and Water Management Act 2010](#), the Royal Borough of Windsor and Maidenhead, as a Lead Local Flood Authority, became the consenting authority for proposed works within an ordinary watercourse which require consent under [section 23 of the Land Drainage Act](#).

These are any works within the cross section of a watercourse, such as a pipe, or any other structure affecting the flow of water.

[What is an ordinary watercourse?](#) ▾

[When would I need ordinary watercourse consent?](#) ▾

[Apply](#) ▲

In order to apply, please complete our online application form below.

[Apply for: Ordinary Watercourse Land Drainage Consent, Land Drainage Act 1991](#) >