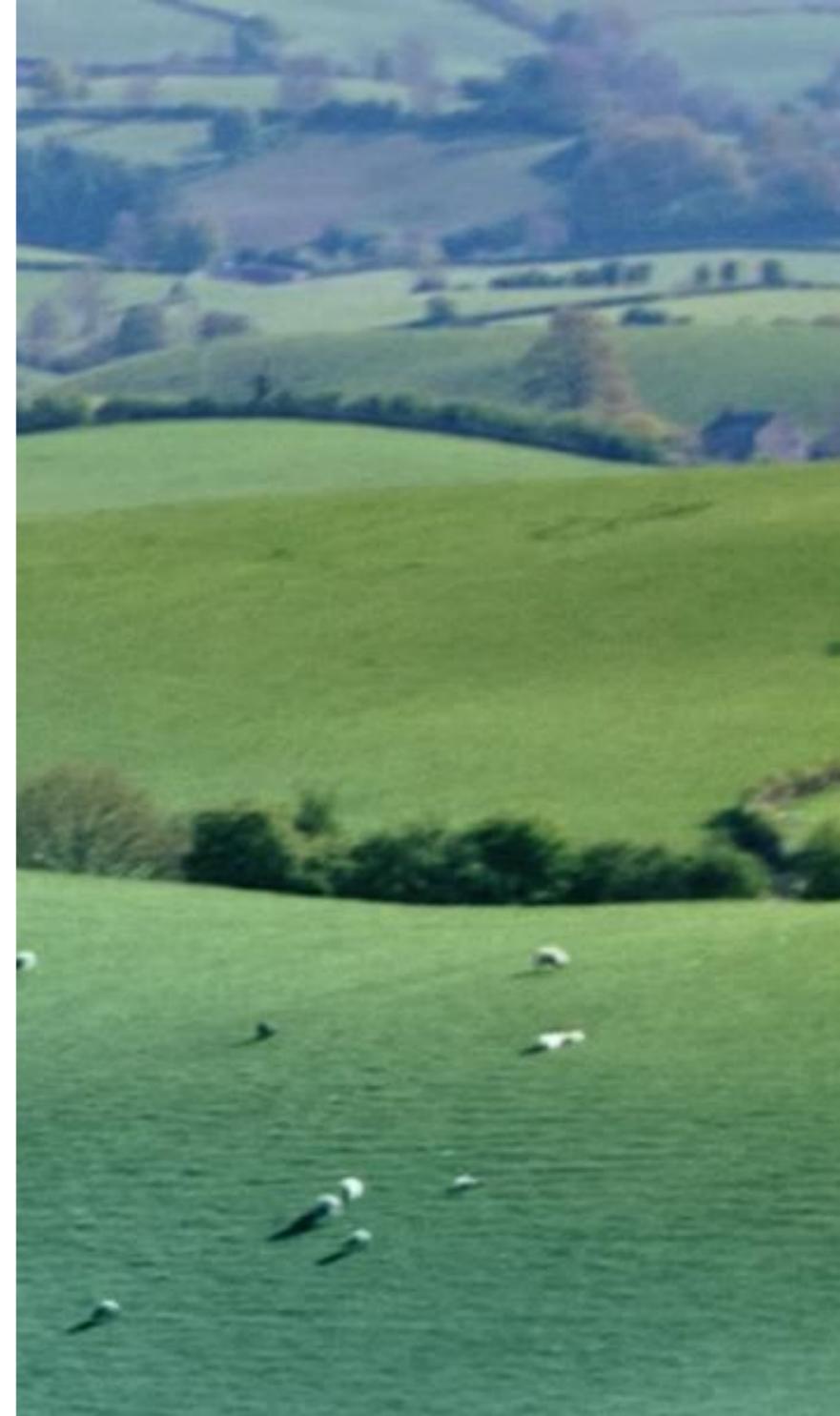


The Role of the Riparian Landowner in managing flood risk

Graham Clark
CLA South West

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Scope of Talk

- CLA & its involvement in flooding & water management
- Riparian landownership, rights, responsibilities & how they interact with government roles in water management
- Provide some context for Councillors on the role & perspective of landowners in water & flood risk management



CLA & flood management

- CLA - National membership organisation (33,000 members) for owners of rural land & businesses
- c.900 members in Somerset; many riparian owners; many impacted by recent floods; all need water managed
- CLA advises members on land/estate management issues & lobbies on their behalf for better policies for a 'living, working countryside'
- Represent members views nationally (Defra, DCLG, EA etc) and locally (EA, IDB, SRA, 20 Year Flood Plan etc)



Riparian Landownership

- Anyone owning land beside a ditch, stream, river is a 'riparian owner'
- Various rights & responsibilities go with this – deriving from common law and statute law
- All riparian owners have the same rights & responsibilities
- The responsibilities include compliance with various statutory rules & consents regime (Defra, Env. Agency, Internal Drainage Board, Lead Local Flood Authority, Rural Payments Agency)



Riparian Rights

- If watercourse marks ownership boundary it's assumed you own up to centre of w/c (unless stated otherwise)
- Watercourses are assumed to be owned by the owner of the land through which it runs (unless ownerships have been severed)
- The right to receive water (from 'upstream') in its natural quantity & quality; this therefore limits:
 - Abstraction & Impoundment activity (licensable)
 - Potential polluting activities (various regulations)
- The right to protect property from flooding & erosion
 - Subject to Flood Defence / Ordinary Watercourse Consent; Planning Consent



Riparian Responsibilities (1)

- Let water flow through land without obstruction, pollution, diversion which affects the rights of others
- Accept flood flows through your land – even if caused by inadequate capacity downstream
- Maintain banks (weed, tree & shrub growth etc)
- Keep banks, bed & structures clear of obstruction (tree stumps, animal carcasses, litter etc) even if didn't come from your land
- Keep a development free edge on banks for access; local byelaws exist in some areas (eg IDB areas)

Riparian Responsibilities (2)

- Do not cause obstructions that would stop fish or eels passing through
- Discuss maintenance of flood defences eg walls, embankments with relevant risk management authority (EA, LLFA, IDB);
 - features like garden walls not designed as a flood defence can still do that job & be designated by risk management authorities – alteration/removal requires their consent
- Notify EA & relevant authority if you wish to build/alter a structure that acts as an obstruction to a watercourse
 - Flood Defence /Ordinary Watercourse Consent
- Control Invasive species eg. Japanese Knotweed and Himalayan Balsam
- Protect water quality by complying with range of statutory regulations controlling water pollution



Role of the Riparian Owner

- Most watercourses managed by the private landowner (subject to consents regime & powers of public authorities below:)
 - EA has powers to work on designated 'Main Rivers' to manage flood risk – construct/maintain banks, desilting, dredging etc
 - Lead Local Flood Authorities (Unitary of County Councils)/Internal Drainage Boards have powers to work on 'Ordinary Watercourses' to manage flood risk
 - EA/CC/IDB can serve notice where landowner has not maintained watercourse & flow is impeded or actions are increasing flood risk
- Riparian owners in 'Drainage Areas' pay annual levy to IDB to help with management of watercourses; many owners sit on Drainage Boards



Cross Compliance & agri-environment

- Farmers receiving Common Agricultural Policy payments, need to observe 'Cross Compliance' or payments docked/penalties applied
- There are 'Statutory Management Requirements' & 'Good Agricultural & Environmental Conditions'
 - Relate to animal health & welfare, environment, agricultural condition of land
 - Include buffer strips along watercourses to prevent pollution & run off; measures to limit soil and bank erosion; water abstraction; reduce water pollution in Nitrate Vulnerable Zones
- Many also have voluntary agri-environment agreements with Defra – Environmental /Countryside Stewardship &/or participate in Catchment Sensitive Farming initiatives to limit bank erosion & pollution



Riparian Landowners perspective

- Most accept responsibilities & keep ditches & watercourses clear & observe cross compliance
- Vested interest in doing so – agriculture relies on it
- Biggest frustration – on Levels rhynes cleared but water still doesn't flow due to inadequate channel clearance in main rivers downstream – so flooding is prolonged
- EA's national budget for maintenance severely cut over recent years meaning less work can be done
 - 2010/11 c.£100m
 - 2013/14 c.£70m
 - 2014/15 c.£60m
- Treasury cost:benefit rules mean that rural river maintenance often doesn't get Govt funding



Riparian Landowners perspective

- 20 Year Flood Plan, resumption of dredging on key stretches of main river, catchment 'slow the flow' projects, co-operation between authorities is helping.
- Still major job to do to get properly functioning drainage system in place on Levels and ongoing need to keep on top of maintenance
- Central government should maintain funding for river maintenance – but role for local funding for work over & above this
- Somerset Rivers Authority?
 - Catchment or County based funding – extend IDB?
 - Implications of delay of getting primary legislation through if pursue Precepting funding option
 - Public Sector Co-operation Agreements so IDB can do work on behalf of EA / SCC – more streamlined?



Thank You

Graham Clark

CLA South West

Hartham Park

Corsham

Wiltshire

SN13 0RP

graham.clark@cla.org.uk

www.cla.org.uk

