



# Riparian owner responsibilities

Guidance for Ward Members and Parishes

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# Process for riparian owner responsibilities

Herefordshire Council and Balfour Beatty Living Places are committed to reducing the risk of flooding, as well as maintaining highway conditions by keeping them clear of excess water.

Following significant countywide flooding over recent years, **it is all the more important for us to encourage riparian owners to take responsibility for their ditches and drains.**

We're aiming to do this through increasing awareness, support, and only using enforcement where appropriate.

In the small number of cases where we come up against a lack of cooperation and there's a safety risk to highway users, or significant damage to highway infrastructure, we'll take a more formal approach following the process set out below.

## Further information

This guidance on the process should be read together with the leaflets [Ditches and drainage in Herefordshire: Your responsibilities](#) and [Guidelines for riparian owners](#) ([herefordshire.gov.uk](http://herefordshire.gov.uk)) both of which can be found on Herefordshire Councils website - [Flooding – Herefordshire Council](#).

**Riparian Owner:** Anyone who has a watercourse, ditch, stream, river or culvert running alongside or within their property boundary.

**Roadside ditches:** Under Common Law, roadside ditches are the responsibility of the riparian owner, which in most cases is the adjacent landowner or property owner.

The Highway Authority have a prescriptive right to drain the highway into roadside ditches. Our rural road network relies on roadside ditches to keep the roads safe and in good condition. These ditches also help manage water to reduce the impact of flooding.

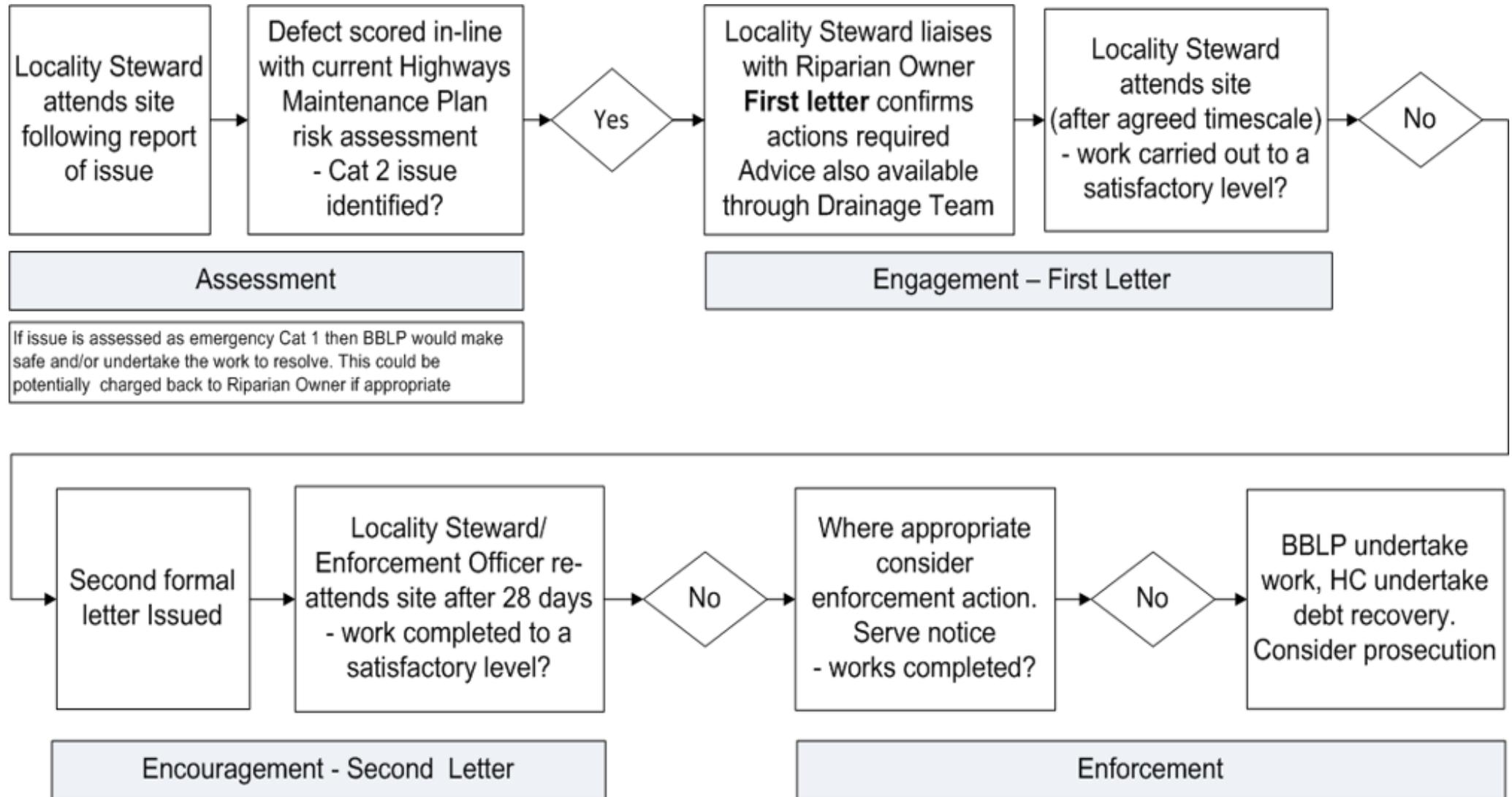
Common issues that affect highway drainage include:

- allowing ditches to become blocked with silt
- failing to keep vegetation under control
- allowing entrances to piped ditches clear

**Maintenance responsibility:** The riparian owner has a duty to maintain these ditches that provide both natural drainage of the land and the highway.

We work collaboratively with owners to address issues which materially affect the highway and, in most cases, owners are generally understanding of their responsibilities and co-operate with maintenance requests.

This process outlines the key steps in assessing, engaging, and encouraging riparian owners to maintain their ditches - before moving to enforcement.



**Ward members and parishes have an important role to play in helping us put this process into practice.**

### **What issues will go forward through this process?**

When the locality stewards carry out their site-specific assessment, they'll categorise risk using the matrix on pages 30-32 of the [Highway Maintenance Plan](#) as a guide. If it's an emergency, we'll act straight away.

Examples of what we'd consider a risk include:

- Water is clearly flowing onto road from a blocked ditch.
- When the area of flooded carriageway is significant or not easily seen when road users approach.
- If the mitigating actions of highway users will put them in danger, for example swerving into oncoming traffic.

We may have cases where the riparian enforcement process isn't suitable and doesn't meet the council's enforcement policy. For example, where the issues are seasonal, or the capacity of existing drainage is exceeded.



### **What can you do if you think there's an issue?**

- If you know the landowner and have an existing relationship, you might be able to get in touch and encourage them to take responsibility.
- You could signpost relevant information for them, such as the website link, or send them a copy of the guidance leaflets.
- Spread awareness of Riparian owner responsibilities through your own communication channels
- You can report the issue to Balfour Beatty Living Places, so we can follow it up through the agreed process. If you do report it to us, please give as much information as possible.
  - Online at Herefordshire Council website - [Report highway drainage issues | Herefordshire](#)
  - Call the BBLP Customer Services Team on **01432 261800**