



9th February 2022

Land at Wilby Road

Outcome of the investigation into ownership of, and responsibility for, the ditch adjacent to the tennis courts and other land at the Wilby Road site

There has been ongoing correspondence between the Parish Council and the Stradbroke Sports & Community Centre (the Charity) regarding land obtained by the Parish Council in 1972 from Suffolk County Council.

Investigations have shown that a land swap was undertaken in 1972 in good faith between Suffolk County Council and the Parish Council. However, it appears this swap should have been between the County Council and the Charity as the Parish Council was not the owner of the land at the time of the exchange. The Parish Council has offered to transfer ownership of the land obtained in the swap to the Charity - this land includes part, but not all, of the tennis court area (see report on boundaries dated 11th October 2021). Before committing to taking on ownership the Trustees of the Charity have requested clarification on the responsibility for the ditch that borders the rear of the land.

The Parish Council has written to the owners of the neighbouring properties to ascertain whether there is evidence in the deeds to their properties which would indicate that the ditch was the responsibility of the home owners. No evidence has been received.

Suffolk County Council guidance on Riparian Ownership states: *If you own land or property next to, or crossed by a river, stream, ditch, or any other kind of water course you are a "riparian landowner"*. The guidance states that if a watercourse runs adjacent to land (even if it does not fall within the boundary as set out by any Title Deeds) then the owners are likely to be responsible for the maintenance of the watercourse bank on their side, to halfway across the bottom of the watercourse. This applies even if there is a boundary fence or hedge between the property and the watercourse.

The guidance would indicate that the responsibility for the maintenance and upkeep of the ditch lies with both the owners of the properties which back onto the ditch and the owner of the land on the Wilby Road side of the ditch.

Therefore, it is the conclusion of the Parish Council that the responsibility and share of the costs for maintenance of the ditch would be split between the home owners and the owner of the area of land marked in blue in the 1972 conveyance.

A full copy of the Suffolk County Council – Guidance for Riparian Ownership in Suffolk (A complete guide for anyone who owns a watercourse in Suffolk) is attached for reference.

Odile Wladon
Clerk

Suffolk

Flood Risk
Management Partnership



Suffolk
County Council

Guidance for Riparian Ownership in Suffolk

A complete guide for anyone who owns a
watercourse in Suffolk



January 2019

CONTENT

1	Introduction – What is Riparian Ownership?	1
1.1	What is a watercourse?	1
1.2	Main vs. Ordinary	1
1.3	Risk Management Authorities	1
2	Ownership Principles	2
2.1	Typical Surface Water Drainage Systems	2
2.2	What am I Responsible For?	3
2.3	Roadside Ditches	3
3	Your Rights	4
4	Your Responsibilities	5
5	The Environment	6
5.1	Work Affecting Protected Areas and Species	6
5.2	Dealing with Waste	6
5.3	Discharging Water or Effluent	6
5.4	Fishing and Boating	6
5.5	Pollution	6
6	Maintenance	7
6.1	Keeping to Schedule	7
6.2	Vegetation	7
6.3	Invasive Species and Harmful Weeds	7
6.4	Removing Blockages from Watercourses	8
6.5	Using the Right Tools	8
7	Flood Risk	9
7.1	Flood Defences on Your Land	9
7.2	When an Authority Stops Maintaining a Flood Defence on Your Land	9
7.3	Who is Responsible for Flood Risk?	10
7.4	Suffolk Flood Risk Management Strategy	10
8	Consenting and Permissions for Works to Watercourses	11
8.1	Land Drainage Consent	11
8.2	Environmental Permits for Works on Main Rivers	11
8.3	Planning Permission	12
8.4	Other Permissions You Might Need	12
9	Glossary of Terms	13

1. Introduction – What is Riparian Ownership?

If you own land or property next to, or crossed by a river, stream, ditch, or any other kind of watercourse you are a “riparian landowner”.

We have created this comprehensive guide to make clear your rights and responsibilities, as well as helping you to understand what rules and regulations are relevant to riparian owners.

This guide explains:

- Your rights and responsibilities as a riparian landowner, the roles of risk management authorities and other organisations you may need to work with
- Environmental considerations for riparian owners to protect and improve the natural environment of our watercourses
- How you should be maintaining your watercourse
- Who is responsible for flood risk management and flood defences, and what this means in practice.

1.1 What is a watercourse?

A watercourse is any natural or artificial channel, above or below ground, through which water flows. This could be a river, brook, beck, stream, ditch, pipe, or culvert. There does not need to be a permanent flow in the channel for a feature to be considered a watercourse. Some only have a seasonal flow, and these are known as “ephemeral” watercourses. In any case, all are either considered to be “main river” or “ordinary watercourse”.

1.2 Main vs. Ordinary

There are two types of watercourse in Suffolk, which are both regulated in different ways. Main rivers are the largest and most significant. The Environment Agency regulate these, along with tidal flood risk and defences. To find out whether a watercourse is main river the Environment Agency has created maps which are available on their website¹.

All other watercourses which are not main river are ordinary watercourses. In Suffolk, these are regulated by either Suffolk County Council or an Internal Drainage Board (IDB). You can find out whether a watercourse is in an IDB area by looking at our map² on the Suffolk County Council website.

1.3 Risk Management Authorities

Your rights as a riparian owner have been established in common law for many years, but they may be affected by other laws. You may need permission for some activities from a third party, such as Suffolk County Council, an IDB or the Environment Agency. These organisations are known as **risk management authorities** (RMAs). RMAs regulate activities on and development to watercourses, and have responsibility for some types of flood risk, but this does not mean that they have any maintenance responsibility. In most cases maintenance responsibility sits with the riparian owner.

1. <https://www.gov.uk/government/publications/designation-of-main-rivers-guidance-to-the-environment-agency>

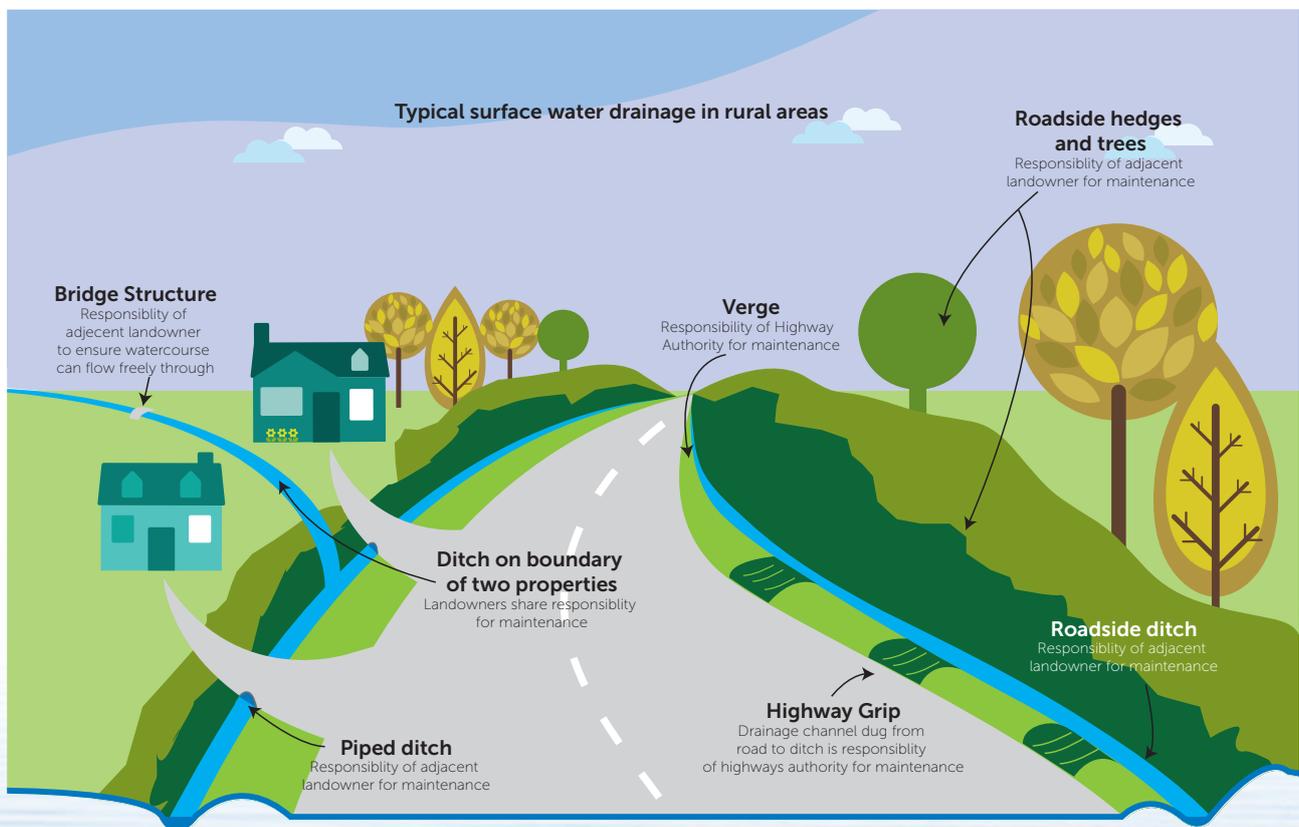
2. <https://www.suffolk.gov.uk/assets/Roads-and-transport/Flooding-and-drainage/IDBs-within-Suffolk.pdf>

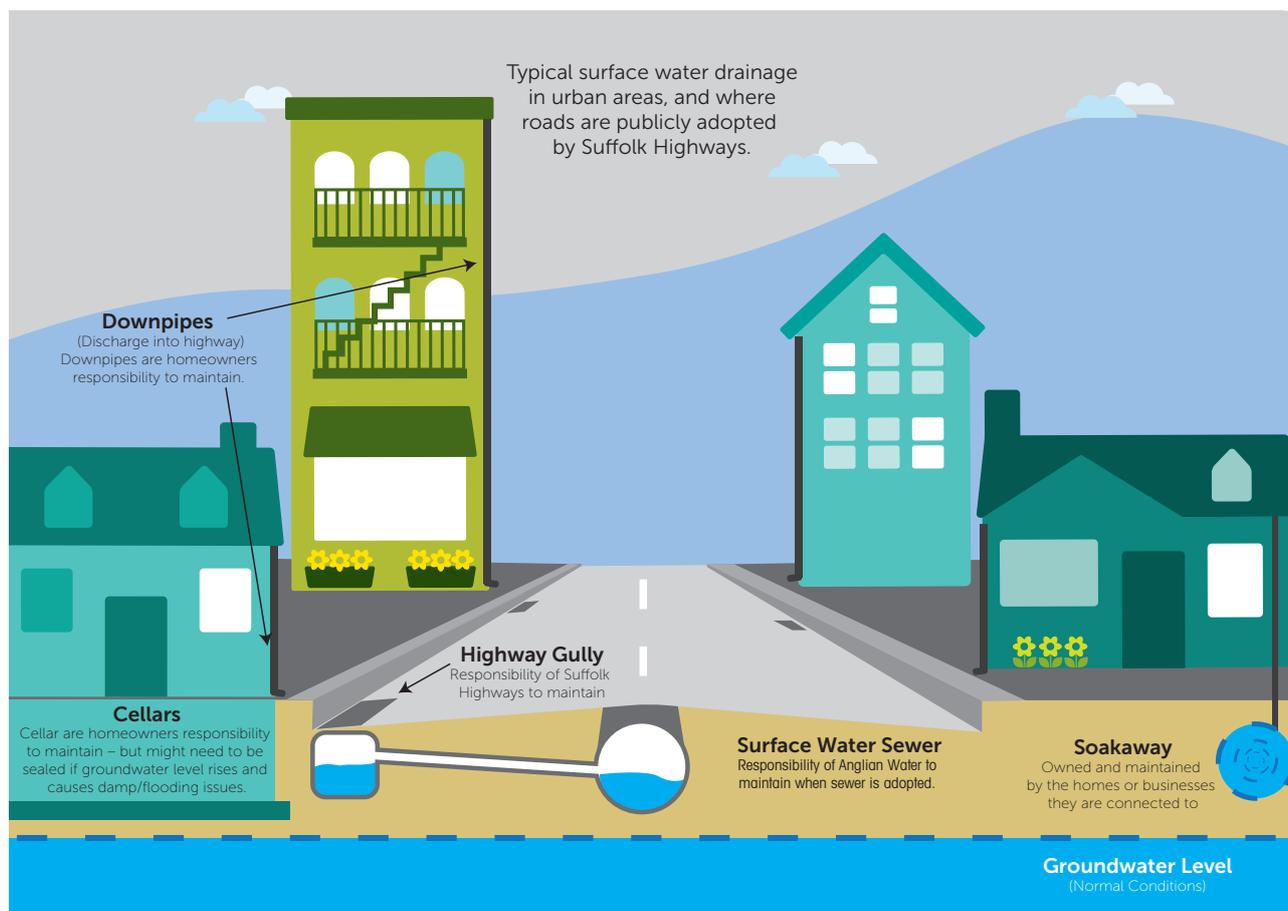
2. Ownership Principles

Ownership of watercourses is not always clear . You may be a riparian owner even when a watercourse is not on your land. This section will help to clarify some basic principles regarding ownership of watercourses.

2.1 Typical Surface Water Drainage Systems

Riparian ownership principles apply whether you live in Suffolk’s beautiful countryside or one of our vibrant market towns. However, drainage in either scenario can be very different. These diagrams outline the basic principles of rural and urban drainage systems.





2.2 What am I Responsible For?

If both banks of a watercourse run through, or under your land you are fully responsible for its maintenance. If it runs adjacent to your land (even if it does not fall within your boundary as set out by your Title Deeds) then you are likely to be responsible for the maintenance of the watercourse bank on your side, to halfway across the bottom of the watercourse. This applies even if there is a boundary fence or hedge between your property and the watercourse. RMAs do not have an obligation to inform you that you are a riparian owner.

2.3 Roadside Ditches

Roadside watercourses are an exception to the the above and are usually owned in their entirety by the adjacent landowner. This is because the highway boundary invariably lies along the top of

the bank closest to the road. Adjacent owners should not carry out any work on the ditch which would restrict road surface water draining into it. Although the County Council and Highways England in their role as the Highway Authority have the right to discharge rainwater from the highway into these ditches, the riparian owner is responsible for maintaining them.

However, if the Highway Authority has created or piped the ditch specifically under their highway powers, they became responsible for its maintenance. Likewise, most pipes or culverts beneath the highway, and road bridges over watercourses are the responsibility of the County Council. It's not always easy to know the difference, so if you are under any doubt please contact Suffolk Highways³ and they will be able to advise you.

3. Your Rights

As a riparian owner, you have rights regarding your watercourses. These rights are affected by your duty to other riparian landowners, the community, and the environment.

- If your land boundary is next to a watercourse it is assumed you own the land up to the centre of the watercourse, unless it is owned entirely by someone else.
- If you own land with a watercourse running through or underneath it, it is assumed you own the stretch of watercourse that runs through your land.
- Occasionally a watercourse, particularly an artificial one, will be the responsibility of a third party (such as Suffolk County Council, the Environment Agency, or other RMAs). This should be noted on your deeds.
- Water should flow onto or under your land in its natural quantity and quality. This means that water should not be taken out of a watercourse if it could lead to a lack of water for those who need it downstream. It also means that a person cannot carry out activities that could lead to pollution of the water and therefore reduce the natural water quality within the watercourse. More information on the permissions required to abstract water from a watercourse and what to do if you spot pollution in your local watercourse can be obtained from the Environment Agency⁴.
- You have the right to protect your property from flooding, and your land from erosion. However, you must get your plans agreed with the RMA before you start work. If the watercourse in question is main river, contact the Environment Agency. And if it is ordinary watercourse, contact Suffolk County Council. If you are in an IDB area, contact the IDB directly.
- You usually have the right to fish in your watercourse using a legal method. You need a valid Rod Fishing License from the Environment Agency to fish. Children under the age of 13 do not need a license, and children between the age of 13 and 16 can get a junior license for free. It is important to check what your rights are, because fishing rights can be sold or leased.

4. Your Responsibilities

- You must let water flow onto or under your land without any obstruction, pollution or diversion which affects the rights of others. Other landowners also have the right to receive water in its natural quantity and quality as explained in "Your Rights". You should be aware that all riparian owners have the same rights and responsibilities.
- You must accept flood flows through your land, even if these are caused by inadequate capacity downstream. A landowner has no duty in common law to improve the drainage capacity of a watercourse they own.
- You should keep the banks clear of anything that could cause an obstruction and increase flood risk, either on your land or downstream if it is washed away. You are responsible for maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks. You should also clear any litter and animal carcasses from the channel and banks, even if they did not come from your land. You may need consent for these works (see section 6). Your local district or borough can advise you on the removal of animal carcasses.
- You should always leave a development-free edge on the banks of a watercourse. This allows for easy access to the watercourse for maintenance or inspection purposes. In some areas local byelaws exist which explain what you can or cannot do within certain distances of a watercourse. For more information you should contact your relevant RMA.
- You must keep any structures, such as culverts, trash screens, and weirs, clear of debris. Discuss the maintenance of flood defences, such as walls and embankments, on your property with your relevant RMA. They may be vital for flood protection.
- You should not cause obstructions, whether they are temporary or permanent, that would stop fish passing through.
- You have a legal obligation to notify your relevant RMA if you would like to build or alter a structure that acts as an obstruction to a watercourse. Under the Eel Regulations in some cases it may be an offence if you do not notify the Environment Agency of the above.
- Please help to protect water quality. Don't use riverbanks to dispose of garden or other waste, where it could be washed into the watercourse. This includes grass cuttings, which pollute the water.
- You are responsible for protecting your property from water that seeps through natural or artificial banks. If this damages a flood defence, your RMA may require you to fund repairs.
- You must control invasive species such as Japanese Knotweed and Himalayan Balsam. Your local RMA can advise you on how to manage and these species.
- You should make sure any work you do on a watercourse fits with the natural river system. Work must not damage wildlife and wherever possible you should try to improve the habitat. Speak to your relevant RMA about wildlife and nature conservation.

If you are not sure what to do and/or are new to living near a watercourse, ask your RMA for advice.

Your property may include a watercourse that runs in a culvert. You have the same responsibilities for the upkeep of the culvert as if it were an open watercourse.

5. The Environment

In Suffolk we are fortunate to have many different water dependent habitats which are vital assets for wildlife and people. They help clean our drinking water and store flood waters. But as population and development are expected to accelerate we must all ensure that our environment is conserved, and development happens sustainably. Many species and habitats are legally protected, and you will be breaking the law if you damage them. As a riparian owner, these are the environmental regulations and good practices you should be aware of.

5.1 Work Affecting Protected Areas and Species

You must not harm protected species or their habitats. The Environment Agency holds information on which species are protected and what you must do if your work may affect them⁵. It is important for you to understand this before undertaking any works to watercourses.

Check if you need permission from Natural England⁶ for work on or near a protected site. You can check if your site is on or near a protected site⁷, such as a:

- Special Area of Conservation
- Special Protection Area
- Site of Special Scientific Interest

If you apply for an environmental permit because you're on a main river, the Environment Agency will contact Natural England for you.

If you make any changes to your watercourse you must make sure that fish and eels can pass freely.

5.2 Dealing with Waste

If you're going to treat or dispose of waste from your works, find out if you need to:

- get an environmental permit from the Environment Agency⁸
- register a waste exemption with the Environment Agency⁹

Registering an exemption means you don't need an environmental permit for your activities with waste.

Suffolk County Council's Household Waste Recycling Centres¹⁰ can also help you dispose of waste easily and legally.

5.3 Discharging Water or Effluent

You must apply to the Environment Agency for a water discharge activity permit¹¹ to discharge contaminated water, including trade or sewage effluent, into:

- any watercourse
- some lakes and ponds
- canals
- reservoirs

To discharge to groundwater you must apply to the Environment Agency for a groundwater activity permit¹².

5.4 Fishing and Boating

You can usually fish in the stretch of water that you own. You need to check your deeds to find out if fishing rights have been sold or leased.

You must buy a rod fishing licence from the Environment Agency¹³ to fish, including the stretch of watercourse that you own.

You'll need to register your boat with the Environment Agency¹⁴ if you want to keep it or use it on any waterway or canal.

5.5 Pollution

You must not pollute the water. Don't throw waste water, chemicals or anything else which could cause pollution on the banks or in the water. You should:

- Remove litter from the banks
- Remove animal carcasses – contact your local council if you need advice.
- Report any pollution which you are unable to identify yourself to the Environment Agency¹⁵. Do not touch anything in the watercourse if you believe it could be harmful.

Excess soil which is washed into watercourses can also be a source of pollution as it can contain a lot of nutrients which support harmful plant and microbial growth. Find out how to prevent rainwater carrying topsoil into the watercourse and polluting it in the Agriculture and Horticulture Development Board publications¹⁶.

5. <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife#protected-species>

6. <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>

7. <https://www.gov.uk/check-your-business-protected-area>

8. <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

9. <https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

10. <http://www.greensuffolk.org/recycling/HWRC/>

11. <https://www.gov.uk/government/collections/environmental-permit-application-forms-standard-permit-water-discharge>

12. <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

13. <https://www.gov.uk/fishing-licences>

14. <https://www.gov.uk/register-a-boat>

15. <https://www.gov.uk/report-an-environmental-incident>

16. <https://ahdb.org.uk/greatsoils>

6. Maintenance

Maintaining watercourses is vital to ensure that they continue to operate as they were originally intended. It can also make a significant contribution to managing flood risk. Over time it is inevitable that silt, vegetation, or other debris gets caught in watercourses but as a riparian owner it is your responsibility to ensure that any blockages are removed. Equally, poor maintenance could cause environmental damage which you could be liable for, and needs to be avoided. This section sets out good practice for watercourse maintenance.

6.1 Keeping to Schedule

It is helpful to develop a programme that sets out how often and at what time of year maintenance work is carried out. The frequency will be dependent on the amount of material you receive from upstream. The best time of year to undertake maintenance is in late September/early October, in preparation for increased winter flows and once vegetation has begun to die back naturally. You should inspect your watercourse regularly to ensure no blockage has occurred.

Open Watercourses

Your programme should state how much vegetation you plan to cut back to ensure a free-flowing watercourse. It should also identify at what intervals you will remove silt from the bed of the watercourse to maintain the capacity of the ditch.

Piped Watercourse

Your programme should state how often you will inspect the culvert for blockages or signs of collapse.

For structures along your watercourse, such as trash screens, grilles, or sluices, your programme should include a routine for inspection and clearance of structures, especially during times of high flow.

6.2 Vegetation

Mowing or trimming watercourses is an effective way of managing vegetation growth and maintaining sufficient flow in your watercourse. But biodiversity and wildlife in the area must be considered when removing vegetation. To minimise the impact of mowing banks, do this less frequently during the spawning season of March to mid-July. When trimming the banks, it is recommended to cut only up to just above the water level on one side, leaving the fringe of the bank uncut to maintain a flow and some habitat too. Do not leave cuttings in or on the bank of a watercourse and dispose of them in a suitable manner.

Spraying vegetation to remove it from watercourses is discouraged because of the damage it could cause to people, animals and habitats downstream. If you must spray herbicides in or near watercourses you must apply to the Environment Agency¹⁷.

Removal of larger vegetation such as trees and hedgerows could be subject to other permissions, and must not happen during bird nesting season (February to August) unless an environmental assessment has been made by a qualified ecologist.

6.3 Invasive Species and Harmful Weeds

Some watercourses may have been affected by invasive species such as Japanese Knotweed, or Himalayan Balsam. Planting them in the wild or causing certain species of invasive plant to spread can result in a two-year prison sentence.

Other harmful weed such as Common Ragwort or Spear Thistle are not invasive but can cause danger to animals or agriculture. You must prevent them from spreading to agricultural land.

The Environment Agency has published guidance on preventing the spread of harmful, invasive, and non-native plants¹⁸.

17. <https://www.gov.uk/government/publications/application-to-use-herbicides-in-or-near-water>

18. <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

6.4 Removing Blockages from Watercourses

A key responsibility of a riparian owner is to allow water to flow naturally. You may have to remove blockages, fallen trees or overhanging branches if they could:

- Obstruct or affect a public right of navigation – ask your navigation authority¹⁹ for advice
- Reduce the flow or cause flooding to other landowners' property – you may have to pay damages if they do.

You should also:

- Leave all other trees, branches and shrubs – these are not blockages and they can help prevent flooding by varying the shape and flow of the channel and reduce erosion to the banks
- Keep any trash screen, weir, mill gate or other structure clear from blockages that build up over time.

Silt

Silt build-up within an ordinary watercourse gets worse with time and becomes more expensive to rectify. Regular removal of silt is much more cost effective and will ensure the watercourse remains in full working order. When de-silting ditches, it is important to consider any impact on biodiversity. We suggest you temporarily deposit silt on top of the banks as this allows wildlife to migrate back into the watercourse. It is however essential that this material does not then block highway drainage or is carried on to the road. The silt can be spread on the adjoining land if the owner grants permission.

It is important to maintain the original profile and cross section of the watercourse when de-silting. If the gradient is altered the stability of the banks can be undermined or change the flow pattern and increase flood risk either upstream or downstream. Altering the bed and banks of a watercourse too much can also damage legally protected species and habitats which you could be

liable for. The same depth of silt should be removed along the length of the watercourse. Banks with a gradient of 1-in-4 allow for easy maintenance as well as being suitable for wildlife.

6.5 Using the Right Tools

The tools for the job depend on the size of your ditch and the amount of works required. For landowners, the maintenance of ditches is generally best achieved using hand tools, as this is less damaging to habitats. It is better to undertake minor works regularly, such as trimming vegetation and clearance of small blockages and restrictions as they occur, rather than infrequent major destructive works, such as complete removal of vegetation and silt from all the ditches every few years.

Farmers generally have machinery on site that can clear large stretches of open ditches quickly. If using such machinery, the sensitivity of the ditches must be considered, and maintenance should be planned to minimise the impact on the habitats.

For culverts, specialist tools may be needed to carry out inspections using camera surveys or to jet through or rod the culvert to clear blockages. Never go inside culverts. You could get trapped or poisoned by gases. Landowners may choose to appoint drainage companies to carry out inspections and/or maintenance. It is recommended that a range of quotes are obtained to achieve best value for money. If you require further assistance you should contact your risk management authority who can give you advice.

7. Flood Risk

FLOODS CAN BE DANGEROUS

Water may look harmless, but it can hide strong currents and fast flows. Water can be deep and powerful, especially near weirs and sluices. Always be aware of the risk of injury or even death when around water. Do not drive through floodwater.

Floodwater can come from overland flow (surface water), groundwater, rivers and the sea. Land and property near watercourses and the sea could be at risk from flooding. There are ways you can find out about that risk, how warnings are issued, and what to do when there is a flood. Additionally, as a riparian owner, you must not build anything which could divert water and increase flood risk to other people's property. If you do you may have to pay damages.

The Environment Agency publishes maps which show the extent of flooding from rivers, the sea and surface water. They are available from Environment Agency local offices, or online at <https://www.gov.uk/check-flood-risk>²⁰.

You should also telephone Floodline on 0345 988 1188 for local flood risk information and to find out if you can receive free flood warnings. For further information on flooding and advice on how to prepare for a flood, how to reduce the impact of flooding and what to do when it floods, visit the Suffolk County Council website²¹. Other risk management authorities and the National

Flood Forum²² are also good sources of information and help.

7.1 Flood Defences on Your Land

Something on your land, such as a wall, may be important to prevent flooding and be listed as a flood defence asset²³.

You must ask permission before you:

- change, remove or build any flood defence on your land
- do any work within 8 metres of a flood defence, or within 16 metres of a tidal flood defence.

On a main river²⁴, the authority is the Environment Agency. On any other watercourse in Suffolk, the authority will be either Suffolk County Council, or the IDB²⁵.

You may be responsible for maintaining and repairing flood defences on your land. Please check this with the relevant authority.

7.2 When an Authority Stops Maintaining a Flood Defence on Your Land

On a main river, you can find out what to do if the Environment Agency stops maintaining a flood defence on their website²⁶.

On any other watercourse, contact Suffolk County Council – Flood & Water Management Team²⁷ or the IDB if you are in an IDB area.

20. <https://www.gov.uk/check-flood-risk>

21. <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/preparing-for-flooding/>

22. <https://nationalfloodforum.org.uk/>

23. <https://www.gov.uk/guidance/flood-and-sea-defences-designated-assets-on-your-land>

24. <https://www.gov.uk/government/publications/designation-of-main-rivers-guidance-to-the-environment-agency>

25. <https://www.ada.org.uk/>

26. <https://www.gov.uk/guidance/flood-and-sea-defences-when-maintenance-stops>

27. floods@suffolk.gov.uk

7.3 Who is Responsible for Flood Risk?

It can be difficult to know who is responsible for managing flood risk. Below is a table which should clarify which RMA is responsible for which kind of flooding in Suffolk.

To find out more about how each RMA manages their flood risk you can contact them directly. Being responsible for the management of flood risk does not automatically mean RMA's have maintenance responsibility. Often this is still the responsibility of riparian owners.

If you need to report flooding but don't know how, we have created a simple webpage which help you work out which RMA you should report the flood to²⁸ and provides contact details for each respective organisation.

Type of Flood Risk	RMA Responsible for Managing Risk in Suffolk
Main Rivers	Environment Agency
Ordinary Watercourses	Suffolk County Council or Internal Drainage Board
Surface Water (Overland Flow)	Suffolk County Council
Groundwater	Suffolk County Council
Potable (Drinking) Water Mains	Anglian Water or Essex & Suffolk Water
Foul Water (Sewage)	Anglian Water
Tidal and Sea	Environment Agency

7.4 Suffolk Flood Risk Management Strategy

Suffolk County Council has responsibility to manage flood risk from ordinary watercourses, surface water, and ground water. There are many ways we do this and different methods or techniques often apply in different scenarios. In summary, our main roles and functions are to:

- Investigate significant flooding events
- Work with riparian owners to ensure watercourses are well maintained
- Act as a statutory consultee for surface water drainage systems in the planning process
- Manage a capital works programme which seeks to invest in communities at risk of flooding to help reduce the risk for the future

If you would like to understand in more detail how Suffolk County Council manages flood risk, please read our Suffolk Flood Risk Management Strategy²⁹.

28. <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/report-a-flood-in-suffolk/>

29. <http://www.greensuffolk.org/flooding/#strategy>

8. Consenting and Permissions for Works to Watercourses

In order to control the alterations made to watercourses so that they do not have negative impacts on other people or the environment, there are certain regulations limiting what can be done to alter a watercourse or its associated structures.

8.1 Land Drainage Consent

Under the Land Drainage Act (1991), you need Suffolk County Council or your IDB to approve any works that will alter the flow of an ordinary watercourse. This could be culverting, weirs, mills, redirection, or damming to name some common examples.

Our "Working on a Watercourse in Suffolk Policy"³⁰ outlines Suffolk County Council's approach to Land Drainage Consenting and gives some guidance on what you should include in an application to alter a watercourse.

To apply for Land Drainage Consent if Suffolk County Council is your RMA, you can find details on our website³¹. If you are in an IDB area, please contact them directly. We suggest that you contact us or your IDB to discuss obtaining Land Drainage Consent as early as possible if you are unsure of the process. Time spent getting the application right first time will be saved by avoiding expensive rejected applications.

Please note that unnecessary culverting will not be permitted. This is because culverts remove capacity from watercourses, complicate maintenance activities, increase chance of blockage, and remove habitat for wildlife.

The current application fee is £50 per proposed structure. This is non-refundable, even if your application is declined.

You do not need Land Drainage Consent to undertake general maintenance activities, but if you are unsure please contact the relevant RMA.

Version 2.2 - Aug 2018

Suffolk County Council

**Application for Ordinary Watercourse
Land Drainage Consent**
Land Drainage Act (1991)

Please read the guidance notes and application form carefully before completing it.

You are recommended to contact us for advice on your proposal before completing and submitting your application. Email - floods@suffolk.gov.uk Phone - 0345 606 6067

It is essential that the application is completed accurately and for any accompanying information submitted to be clear. If any information is missing, we will not process your application until all required information is submitted.

Please contact us to discuss your proposal and confirm the correct fee.
General enquiries: email:

1.0 Applicant - (This is the client if you applying on behalf on an applicant)
Details Name: _____
Contact person: _____
Address: _____ Tel: _____
Mobile: _____
Post Code: _____ Email: _____

Are you the Land Owner; (tick) Yes No
If no, please provide land owner details, and a copy of their written consent to carry out proposed works.

1.1 Applicant's Interest in the Land

2.0 Agent Details (This is the contractor/consultant working on behalf of the applicant)
Name: _____
Contact person: _____
Address: _____ Tel: _____
Mobile: _____
Post Code: _____ Email: _____

The front page of Suffolk County Council's Land Drainage Application Form as found on the website.

8.2 Environmental Permits for Works on Main Rivers

The Water Resources Act (1991) and associated byelaws require you to contact your local Environment Agency office to apply for formal consent for works in, over, under or adjacent to main rivers.

You can check if you need an environmental permit online³².

30. <https://www.suffolk.gov.uk/assets/Roads-and-transport/Flooding-and-drainage/Strategy-Apencies/2018-10-01-Consenting-Works-Appendix-B-v2-LR.pdf>

31. <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/working-on-a-watercourse/>

32. <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

You must follow the environmental permitting rules if you want to do work:

- On or near a main river
- On or near a flood defence structure in a flood plain
- On or near a sea defence

These are regulated under environmental permits (formerly flood defence consents). You are breaking the law if you do works without getting the permit you need.

If the tide affects your watercourse you can find out if you need a marine licence³³ from the Marine Management Organisation.

8.3 Planning Permission

Some larger works may require planning permission from your local planning authority. You should contact them to check³⁴. Please be aware, that planning permission does not grant Land Drainage Consent and vice-versa. It is the applicant's responsibility to ensure that all permissions are granted before work takes place.

8.4 Other Permissions You Might Need

When undertaking works to watercourses, there are other restriction and permissions you should be aware of. It is unlikely that you will be subject to all of these on one site, but it is possible that some could apply to you. These are:

- Protected Hedgerows
- Works to a highway (carriageway or footway)
- Tree Preservation Orders (TPO)
- Conservation areas (settlements rather than habitat conservation)
- Archaeology

Each of these permissions will have their own requirements and restrictions, and it can be difficult to know what to do. Therefore, we recommend that you contact your Local Planning Authority (LPA)³⁵ and request assistance with your proposals. This way you can ensure you do not break any laws.

If you do not obtain all the necessary permissions before you start work you could be subject to legal action, and a criminal record in extreme cases. If you are unsure whether you need consents or permissions always ask before you start.

33. <https://www.gov.uk/topic/planning-development/marine-licences>

34. <https://www.planningportal.co.uk/?docRef=LocalInformation&scope=202&langid=0>

35. <https://www.suffolk.gov.uk/council-and-democracy/borough-district-parish-and-town-councils/>

9. Glossary of Terms

- A **watercourse** includes all rivers and streams and all ditches drains, cuts, culverts, dikes, sewers other than public sewers within the meaning of the Water Industry Act (1991) and passages, through which water flows.
- A **riparian owner** is any landowner whose land is bordered or crossed by any watercourse. The watercourse may form the border of your land, or even run underground through your property.
- **Main rivers** are normally the principle or arterial watercourses in an area and are designated by Main River maps³⁶ held by the Department for Environment, Food and Rural Affairs and the Environment Agency. The term also includes any structures in the bed or bank for controlling or regulating the flow of these watercourses. The Environment Agency has permissive (not mandatory) powers to carry out maintenance and improvement works on Main Rivers.
- **Ordinary watercourses** are watercourses which do not form part of a main river. This could be a river, stream, ditch, drain, cut, dyke, sluice, sewer (other than a public sewer) and passage through which water flows, so long as it does not form part of a main river.
- **Surface water** is rainwater (including snow). It is water on the surface of the ground, whether or not it is moving, which has not entered a watercourse, drainage system, or public sewer.
- **Groundwater** is all water which is below the surface of the ground and in direct contact with the ground or subsoil.
- An **Internal Drainage Board** is a local public authority established in areas of special drainage need in England and Wales. Each Board has permissive powers to manage water levels within their respective drainage districts. They also undertake works to help reduce flood risk to people and property, whilst managing water levels to meet local demand.
- **Land Drainage Consenting** is the process of obtaining permission to add/amend structures in/near a watercourse or flood defence structure.
- **The Land Drainage Act (1991)** is a key piece of legislation which: prevents anyone from working on a watercourse without prior consent, requires that a watercourse is properly maintained by its owner, and allows Suffolk County Council to enforce maintenance when watercourses are blocked.
- **Culvert** means a covered channel or pipe which prevents the obstruction of a watercourse or drainage path by an artificial construction (e.g. road).
- **Risk Management Authorities (RMAs)** are organisations which have a responsibility to strategically manage some form of flood risk. Any given RMA may not have responsibility for all types of flood risk, and they may not have a responsibility to maintain an asset which is causing flooding.
- A **Local Planning Authority (LPA)** is the public authority whose duty it is to carry out specific planning functions for a particular area. In Suffolk, these are our District and Borough councils.

36. <https://www.gov.uk/government/publications/designation-of-main-rivers-guidance-to-the-environment-agency>

With thanks:

- To all members of the Suffolk Flood Risk Management Partnership for actively contributing to this document.
- To the Areas of Outstanding Natural Beauty in Suffolk for allowing us to use some stunning images taken in some of the most attractive landscapes in Suffolk.
- To all riparian owners in Suffolk who have worked so closely with us to date. Your local knowledge and cooperation are invaluable.



The River Stour at Cattawade: Part of the Dedham Vale AONB

If you need help to understand this information in another language please call **03456 066 067**.

Se precisar de ajuda para ler estas informações em outra língua, por favor telefone para o número abaixo. 03456 066 067

Portuguese

Jeigu jums reikia šios informacijos kita kalba, paskambinkite 03456 066 067

Lithuanian

Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer. 03456 066 067

Polish

Dacă aveți nevoie de ajutor pentru a înțelege această informație într-o altă limbă, vă rugăm să telefonați la numărul 03456 066 067

Romanian

এই লেখাটি যদি অন্য ভাষাতে বুঝতে চান তাহলে নিচের নম্বরে ফোন করুন 03456 066 067

Bengali

Если для того чтобы понять эту информацию Вам нужна помощь на другом языке, позвоните, пожалуйста, по телефону 03456 066 067

Russian

If you would like this information in another format, including audio or large print, please call **03456 066 067**.



Designed and printed by



Phone: 01473 260600