

Our Powers and Responsibilities

Devon County Council as the Lead Local Flood Authority has enforcement powers under the Land Drainage Act 1991 to ensure that any obstruction causing a flood risk in a watercourse is removed by the landowner. However, this is a last resort; negotiation and cooperation with the landowner is preferred in the first instance.

Devon County Council is responsible for issuing Land Drainage Consents for any temporary or permanent works within the channel of an Ordinary Watercourse. Find more information at: new.devon.gov.uk/floodriskmanagement/land-drainage-consent.

The Environment Agency is responsible for issuing Environmental Permits for any works on Main Rivers. Find more information at: gov.uk/guidance/flood-risk-activities-environmental-permits.

If you are considering works other than general maintenance, contact Devon County Council for works to Ordinary Watercourses and the Environment Agency for works to Main Rivers.

Works on a watercourse that require consent:

- Culverting (piping or covering of a watercourse, or alterations to existing)*
- Watercourse realignment
- Weirs and other impoundments
- Bridges, fords and crossings
- Structures placed on or adjacent to the river bank
- Works likely to obstruct flow of a watercourse

* DCC policy allows for essential access only

Useful Contacts

To report flooding of the highway and blocked drains, contact Devon County Council's Highway Customer Service Centre on **0345 155 1004** (Monday to Friday 8am — 8pm, Saturdays 9am - 1pm or visit new.devon.gov.uk/roadsandtransport/report-a-problem/)

For emergencies outside of these hours, call **0345 155 1008**

For flooding on major trunk roads, contact Highways England on **0300 123 5000** (24 hr service)

To report flooding from sewers and water pipes, contact South West Water on **0344 346 2020** (24 hr service)

For advice and enquiries about flood warnings, contact the Environment Agency's Floodline on **0345 988 1188** (24 hr service)

For general enquiries about flooding from Main Rivers or the sea, contact the Environment Agency on **03708 506 506**

For all other flooding enquiries, contact the Devon County Council Flood and Coastal Risk Management team by calling **01392 383000** and asking for 'Flood Risk', email floodrisk@devon.gov.uk or visit new.devon.gov.uk/floodriskmanagement

For advice on how to manage and control invasive alien species such as Japanese knotweed, visit: new.devon.gov.uk/environment/wildlife

Living with Water

Rivers, streams, ditches and surface water

If you have a river, stream, ditch or culvert running through or alongside your property, you are likely to be responsible for its maintenance and this guide is for you.



Riparian Ownership

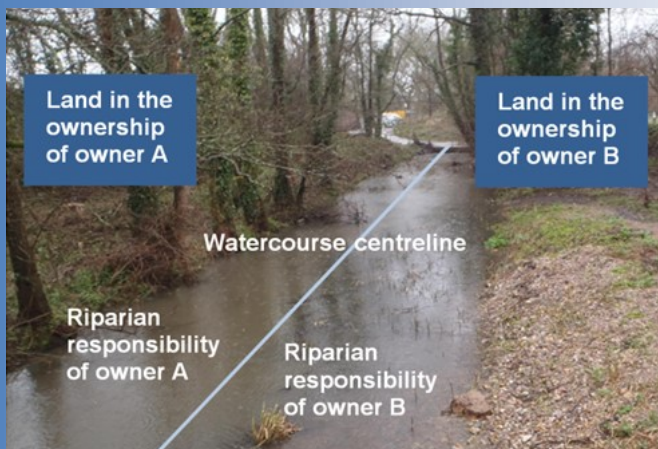
A **Riparian Owner** is someone who owns property alongside a watercourse or has a watercourse running through their land. Many homeowners may not realise that the ditch at the bottom of their garden is classified as a watercourse and that they are likely to be responsible for its maintenance.

Main Rivers are usually larger rivers which have been designated by Defra. Main Rivers are regulated by the Environment Agency.

Ordinary Watercourses do not form part of the Main River network, and are defined as any channel through which water flows; such as a river, stream, brook, ditch or culvert. Ordinary Watercourses are regulated by the LLFA.

To find out if a stretch of river is a Main River, please contact the Environment Agency or see Devon County Council's Environment Viewer: <https://redirect.devon.gov.uk?link=EnvView>

How riparian land ownership is generally assumed:



Your Responsibilities as a Riparian Owner

To maintain the watercourse and to clear any obstructions (natural or otherwise) so the normal flow of water is not impeded. This means you must clear any debris from your stretch of the watercourse (even if it did not originate on your land).

To maintain the bed and banks of a watercourse (including any trees and shrubs growing on the banks) and any flood defences that exist on it. You must not alter or divert the flow without permission, as this may have an effect on properties downstream. Consent can be obtained from Devon County Council for Ordinary Watercourses or the Environment Agency for Main Rivers.

To accept the natural flow from your upstream neighbour and transfer it downstream without obstruction, pollution or diversion. You must accept flood water through your land even if any excess water is caused by inadequate capacity downstream.

To maintain any structures on your stretch of watercourse, including culverts, weirs, sluice gates and trash screens. These structures must be kept clear of any debris which could obstruct the free flow of water on your land or be washed away to block a structure downstream. Any alteration to these structures will require the relevant consent from Devon County Council or the Environment Agency. Structures should not cause an obstruction, temporary or permanent, that would prevent fish passage.

Your Rights as a Riparian Owner

To receive and pass on a flow of water in its natural state, without undue interference in quantity or quality.

To protect your property against flooding from the watercourse and to prevent erosion of the watercourse banks or any nearby structures, subject to any required consents or permits.



Your Rights & Responsibilities for Surface Water on Your Land

All property owners have the responsibility to accept surface water flows from higher land and the right to pass it naturally to lower land, without causing a nuisance.

With regards to surface water flood risk, the authorities can offer advice to land owners but the majority of cases must be resolved as a civil issue between parties.

There are methods farmers and land owners can use to reduce surface water runoff and soil erosion. The Soils and Natural Flood Management manual is a practical guide for farmers and land managers: wrt.org.uk/project/soils-and-natural-flood-management/