

Roadside Ditches

There are 3 categories of roadside ditch:

- A ditch created by the Highway Authority and owned by them solely for draining the highway, which is the responsibility of the Highway Authority (WBC) to maintain.
- A ditch on the road side of fences and hedges taking land drainage as well as highway drainage, which is the responsibility of the Riparian Owner.
- A ditch on the field side of a fence or hedge taking land drainage as well as highway drainage, which is a responsibility of the Riparian Owner.

The Highway Authority has a prescriptive right to drain the highway to adjoining roadside ditches.

Rural roads rely to a great extent on ditches to remove water and their effectiveness is vital to keeping them in good condition.

Common Law imposes a duty on the owner of land adjoining a highway to maintain these ditches that provide natural drainage for both the land and highway. In the majority of cases the responsibility for ditch maintenance rests with the adjacent landowner.



Fly Tipping & Ditch Maintenance

Fly-tipping is the illegal dumping of rubbish or bulky items on land that is not licensed to receive it.

Wokingham Borough Council only clears fly tipping from the public highway. Landowners are responsible for clearance from private land or ditches.

It is therefore the owner's responsibility to remove and dispose of this fly tipped material.

Wokingham Borough Council can assist in this process by allowing you to take the fly tipped material free of charge to the tips at Longshott Lane in Bracknell or Smallmead in Reading.

To arrange this please contact the Waste Services department on **0118 974 6000** or email waste.services@wokingham.gov.uk

We are happy to discuss any problems with you. To contact us please telephone Wokingham Direct on **0118 9746000** or email flooding@wokingham.gov.uk

Roadside Ditches & Riparian Owner Responsibilities



Leaflet designed by:



In an effort to reduce the risk of flooding, Wokingham Borough Council is aiming to improve and maintain an effective watercourse system in its district through a process of co-operation, liaison and assistance with landowners wherever possible. This leaflet outlines their responsibilities for the maintenance of watercourses.



What is a watercourse?

A watercourse is defined as any channel through which water flows. It may range from a reasonable sized ditch with a constant flow to nothing more than a shallow depression which carries water infrequently.

Watercourses are classified as either:

• **Main Rivers**

These are managed by the Environment Agency. The responsibility for their maintenance and repair lies with the "Riparian Owner(s)", although the EA also have powers to maintain and improve them.

For more information on your responsibilities regarding Main Rivers, refer to the EA document "Living on the Edge" which is available on the EA website.

Ordinary Watercourses

These are managed by the Lead Local Flood Authority (Wokingham Borough Council).

The responsibility for their maintenance and repair lies with the Riparian Owner.

Before carrying out any works in, over, under or near a watercourse please contact the Council to discuss your proposals and obtain any necessary consent before starting the work.

Who owns the ditch outside my house?

The question of ownership of ditches alongside the highway and the consequent maintenance responsibilities frequently gives rise to difficulties.

It is not generally understood that the Council is **not** responsible for all roadside ditch maintenance except when it is itself a riparian owner or has created a ditch (as Highway Authority) solely for draining the highway.

The Council's responsibilities under the Highways Act are to drain the highway and to prevent water flowing on to it to this end we are allowed to discharge water into an adjacent watercourse. This does **not** however make it a highway ditch.

Land Drainage Authority

Wokingham Borough Council is the Land Drainage Authority and has resolved to exercise its powers under the Land Drainage Act 1991 when necessary.

The Act gives local authorities powers to deal with obstructions in ordinary watercourses where that obstruction to the flow of water creates a risk of flooding.

If the obstruction impedes the flow, the Council may serve notice on the Riparian Owner to remove the obstruction if no action is taken, the Council may carry out the works itself and recover the cost from the Riparian Owner.

The Council would prefer not to take formal action and for landowners to maintain watercourses voluntarily.

Who is a Riparian Landowner?

Under common law you as property owner are the Riparian Owner of any watercourse within or adjacent to your property. Where a watercourse is sited between two or more properties, each owner is usually equally responsible.

Riparian Owners responsibilities

Their responsibilities include accepting natural flows from upstream and maintaining the system to allow water to pass on without obstruction.

Normally, maintenance will involve cutting back growth on the banks and in the bed of a watercourse and removing the build-up of debris.

Any obstructions affecting the flow must also be removed. Periodically, the build-up of silt will need removing from the bed of a watercourse.

Lack of maintenance can cause hazards for users of the road particularly in winter.

