

Our powers and responsibilities

Devon County Council as the Lead Local Flood Authority has enforcement powers under the Land Drain Act 1991 to ensure that any obstruction causing a flood risk in a watercourse is removed by the land owner. This however is a last resort and negotiation and cooperation with the land owner is preferred in the first instance.

Devon County Council is responsible for issuing Land Drainage Consent for any temporary or permanent works within the channel of an Ordinary Watercourse:

[devon.gov.uk/floodriskmanagement](https://www.devon.gov.uk/floodriskmanagement)

The Environment Agency is responsible for issuing Flood Defence Consent for any works on Main Rivers: [gov.uk/government/publications/flood-defence-consent-england-and-wales](https://www.gov.uk/government/publications/flood-defence-consent-england-and-wales)

If you are considering works to an Ordinary Watercourse on your land other than general maintenance you should contact Devon County Council or the Environment Agency for all works on Main Rivers as soon as possible for guidance and an application form.

Works on a watercourse that require consent:

- Culverting (piping or covering of a watercourse, or alterations to existing)*
- Watercourse realignment
- Weir 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 is only 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 [devon.gov.uk/drainage](https://www.devon.gov.uk/drainage)

For emergencies outside of these hours call **01392 383329**

For any flooding on major trunk roads contact the Highways Agency on **0300 123 5000** (24 hour service)

To report flooding from sewers and water pipes contact South West Water on **0844 346 2020** (24 hour service)

For advice and enquiries about flood warnings contact the environment Agency's Floodline on **0345 988 1188** (24 hour 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 Risk Management team on **0345 155 1015** or floodrisk@devon.gov.uk or visit [devon.gov.uk/floodriskmanagement](https://www.devon.gov.uk/floodriskmanagement)

For advice on how to manage and control invasive alien species such as Japanese knotweed contact Devon County Council: [devon.gov.uk/invasive non-native species](https://www.devon.gov.uk/invasive-non-native-species)

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 owner

A **Riparian owner** is someone who owns property alongside a watercourse or that 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.

A **Main River** is designated as such and these are regulated by the Environment Agency.

An **Ordinary Watercourse** does not form part of the Main River network and is defined as any channel through which water flows; such as a river, stream, brook, ditch or culvert.

To find out if a stretch of river is a Main River please contact the Environment Agency, Devon County Council or take a look at the Environment Agency online mapping at: gov.uk/prepare-for-a-flood/find-out-if-youre-at-risk

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 water flow without permission as this may have an effect on properties downstream. Consent can be obtained from Devon County Council or the Environment Agency.

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 approved structures on your stretch of watercourse, including culverts, weirs, sluice gates and trash screens. These structures must be properly maintained and 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 consent from Devon County Council or the Environment Agency.

Structures should not cause an obstruction, temporary or permanent that would stop fish passing through.

Rights of 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 approval.



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 soil erosion and surface water runoff. The Think Soils manual is a practical guide for farmers and land managers: ahdb.org.uk/projects/documents/ThinkSoils.pdf