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Riparian Toolkit

A watercourse management guide for West Sussex Town and Parish Councils

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Introduction

The correct and careful management of ordinary watercourses can help drainage systems stay healthy, drain safely, and lower the likelihood of localised flooding.

This Riparian Toolkit is a helpful guidance document for Town and Parish Councils who engage in the management of ordinary watercourses in their area. The Toolkit is intended to be a one-stop guide that covers the main factors of good ordinary watercourse management. Supporting this Toolkit are helpful documents such as letter templates and maintenance logs that a Town or Parish Council could use to manage and monitor ordinary watercourse matters. In addition, the information contained within the Toolkit can be adapted and shared as part of wider communications to the public to promote Riparian best practice and compliance.

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Riparian background, information and maintenance

Riparian rights and responsibilities

What are riparian rights?

Riparian rights are the responsibilities and privileges that come with owning land next to a watercourse (such as a stream, ditch, or culvert).

Riparian landowners are responsible for maintaining the watercourse to allow water to flow freely and to prevent flooding.

Types of watercourse

- Main rivers: these are larger systems and fall under the authority of the Environment Agency (EA).
- Ordinary watercourses: smaller channels, such as local streams and ditches. These require regular attention and maintenance to ensure they function properly.

*Note: Drains, sewers and canals are **not** classified as watercourses.*

Riparian responsibilities include

- Keeping the watercourse clear of obstructions (natural or man-made).
- Regular vegetation management to prevent excessive growth that may impede the flow of water.
- Desilting and maintaining the bed and banks of the watercourse to avoid erosion or silt build-up.
- Clearing and maintaining of infrastructure, such as culverts, rubbish screens and silt grilles.
- Allowing water to flow naturally without diverting, damming or contaminating it.

Keeping ordinary watercourses clear

What can the parish/town council do?

Under Section 260 of the Public Health Act 1936, parish and town councils have powers to conduct work on ordinary watercourses when there is a clear community benefit.

Practical steps include:

1. Vegetation clearance:

- Remove overgrown shrubs, brambles and debris from fallen trees.
- Follow guidelines for sensitive areas to protect wildlife habitats.

2. Desilting:

- Remove sediment and debris to restore the channel capacity.
- Dispose of inert silt/sediment adjacent to the watercourse, in an area where it will not be washed back in. For example, spread along the top of the bank.

3. Disposal of waste/vegetation:

- Compost or chip vegetation where practical.
- Use licensed firms to dispose of waste.

Legislation and legal powers relevant to riparian issues

Parish and town councils have certain legal powers to help them to manage ordinary watercourses to assist in preventing flooding and maintaining public health.

1. Public Health Act 1936

- Section 260 of the Public Health Act 1936 gives local authorities, including parish and town councils, certain powers to deal with issues relating to ditches and ponds.
- However, parish councils do not have the automatic right to go onto land in third-party ownership without permission to carry out work on ordinary watercourses. They should only do so if they have written permission from the landowner to enter and undertake the activity.
- Should your parish or town council be granted permission to undertake work on third-party land, it is advisable to take "before and after" photos to assist in any necessary re-instatement and to prevent any additional issues arising.

2. Land Drainage Act 1991

- Section 25 of the Land Drainage Act 1991 gives local authorities such as WSCC discretionary powers to serve notice on riparian owners to maintain ditches and watercourses that affect the flow of water. This includes removing debris or vegetation that could block water flow.

Health and safety considerations for riparian activities

Before undertaking any inspections or maintenance work around watercourses, it is essential to carry out a thorough health and safety assessment. Key considerations would typically include:

- Operating safely near roads and watercourses.
- Managing risks associated with lone working.
- Awareness of invasive non-native species.

Watercourses can become dangerous environments without appropriate due care and attention. Please consult your parish or town council's health and safety guidelines for further guidance and information.

More information/useful links for riparian management

The Environment Agency (EA)

EA guidance for riparian owners

Check for local flooding

Flood and sea defences on your land

Association of Drainage Authorities

Sussex Wildlife Trust

Ouse and Adur Rivers Trust (OART) - OART

What a town or parish can do when watercourses need remedy

Identifying breaches of riparian responsibilities

What to look for

- Obstructed flow of water caused by, for example, dumped rubbish or fallen trees.
- Banks that are overgrown with brambles or invasive species (such as Himalayan balsam, giant hogweed or Japanese knotweed).
- Evidence of stagnant water, unusual smells, or blocked culverts.
- Sediment build-up along the channel, leading to watercourse narrowing.
- Illegal structures or modifications that affect the water flow that have not been approved with Ordinary Watercourse Consent.

Actions to take

- Regularly inspect watercourses during both wet and dry conditions.
- Check for erosion on the banks or overhanging vegetation that may collapse and cause blockages.
- Note evidence of unusual water levels or overflow during normal rainfall.

Gathering evidence of riparian concerns

Collecting evidence

Document the issue

- Take clear photographs, ideally recording the time and date.
- Record videos during flow events (for example, after heavy rainfall).

Create a log

- Record dates, times and specific locations (using maps, if possible).
- Document observations and note impacts (for example, showing evidence of erosion or flooding).

Seek witness statements

- Ask residents or landowners to describe any recurring issues.
- Record statements to establish a timeline of when issues began and possible causes.

Running an ordinary watercourse remediation project

Steps to take

1. **Assess:** identify problem areas and determine project scope.
2. **Planning & permissions:** apply for necessary permits (for example, from the Lead Local Flood Authority, ie. West Sussex County Council). For work on or near ordinary watercourses you may need to apply for Ordinary Watercourse Consent from the Lead Local Flood Authority.
3. **Funding & resources:** consider applying for Operation Watershed funding.
4. **Engagement:** inform the community and landowners about your plans, their possible benefits and engage people in the process.
5. **Execution:** organise volunteers or contractors to carry out works.
6. **Review & monitor:** regularly check the site(s) for issues and implement routine maintenance if and when applicable.

Setting up a long-term riparian maintenance programme

Create a sustainable maintenance plan

- Identify key watercourses and high-risk areas.
- Develop a yearly maintenance schedule (for example, by clearing debris and assessing potential risks after each season).
- Assign roles within the community or council if these do not already exist (for example, by appointing volunteer ditch wardens).
- Consider using local contractors for more complex works.
- Establish a reporting and review mechanism.

Checklist

- Annual vegetation clearance
- Desilting schedule
- Bank maintenance checks
- Community awareness and information campaigns

Applying for Operation Watershed funding

What Is Operation Watershed?

Operation Watershed grant fund provides financial support for local Parish & Town Councils and constituted community groups for projects responding to or addressing localised flooding impacting the community in West Sussex. Applicants can apply for one off grant funds associated with watercourse improvement works. This does not include just clearance of ditches as this is classed as maintenance and is not covered under the grant fund criteria.

How to apply

1. **Contact Operation Watershed on operation.wastershed@westsussex.gov.uk to see if the project is eligible for funding.**
    - Describe the issue.
    - Location of the flooding.
    - What/Who the flooding impacts.
    - How the funding will resolve the flooding issue.
    - Include photos, map and information if you have engaged the District Council or WSCC Highways previously about the issue.

2. **Application process:**
    - Operation Watershed will talk through the application process including 1) Technical Scope 2) Landowner Consent where relevant 3) Obtaining contractor quotes etc…
    - Follow the Operation Watershed guidelines online.
    - Work with your County Councillor to obtain support for application.

Operation Watershed Information including guidance

- Website provides following guidance www.westsussex.gov.uk/watershed
- Application Criteria
- Frequently Asked Questions
- Community Commitment Statement
- How to engage contractors
- How to manage basic project delivery including roles & responsibilities

Establishing a Flood Action Group

Flood Action Groups can help build parish resilience by identifying local flood risks, promoting preventative measures and supporting the community before, during and after flooding events.

They aim to bring together local expertise, knowledge and resources and promote relationships between councils, agencies and emergency services.

Key steps to consider when creating a Flood Action Group include:

- Define your goals, such as raising awareness, promoting readiness, improving drainage and liaising with other local organisations.
- Identify community members and stakeholders interested in flood prevention and preparedness.
- Develop an action plan, focusing for example on monitoring watercourses and reporting issues that might contribute to flooding.
- Engage with bodies such as the Environment Agency (EA), the National Flood Forum and WSCC for advice, awareness and information sharing.

For more information about setting up a Flood Action Group, visit:

National Flood Forum: Start a Flood Action Group

Community flood plan guidance notes

Next steps for a town or parish that cannot resolve a riparian issue

Reporting evidence & who to contact

The parish/town council may be best placed to address local issues, speak to individual landowners and foster local collaboration.

However, if a serious situation is developing this should be escalated to the relevant authority.

Where to report riparian management issues

- Serious flood risk concerns should be reported to the West Sussex County Council Lead Local Flood Authority, or the District/Borough Authority with delegated responsibilities:
    - Find your local council - GOV.UK
    - frm@westsussex.gov.uk
- Flood risk concerns caused by an ordinary watercourse affecting a road should be reported to West Sussex County Council Highways:
    - Report flooding - West Sussex County Council
- Pollution to watercourses and rivers:
    - Report an environmental incident - GOV.UK

How to report incidents

- Submit a formal letter or email with evidence of the issue.
- Attach images, videos and maps if possible.
- Follow up for updates on investigations or actions.

Glossary

Culvert
A structure that allows water to flow under roads, railways or similar infrastructure.

Desilting
The process of removing accumulated silt from the bed of a watercourse to restore its capacity and flow.

Erosion
The wearing away of the banks of a watercourse by water flow or other means.

Invasive non-native species (INNS)
Plants or animals introduced from other regions that can cause harm to local ecosystems. Common examples include giant hogweed, Himalayan balsam and Japanese knotweed.

Lead Local Flood Authority (LLFA)
The local council (ie. WSCC) responsible for managing flood risks from surface water, groundwater and ordinary watercourses.

Main river
A larger watercourse managed by the Environment Agency.

Ordinary watercourse
A smaller water channel, such as a ditch or stream, that is not designated as a “main river”. They are usually the responsibility of landowners.

Riparian
Relating to (or situated on the banks of) a river, stream or other watercourse.

Sediment
Material (such as soil, silt or other debris) that can accumulate in watercourses, potentially causing blockages or narrowing the channel.

Silt grilles and sediment pits

A structure placed across a watercourse to catch silt, sediment and debris before it enters a culvert or downstream channel.

Silt
Fine soil, sand or mineral particles that settle at the bottom of watercourses.

Vegetation management
The clearing or maintenance of plants and trees along a watercourse to prevent overgrowth or collapse that might obstruct water flow.

Watercourse
Any channel through which water flows, such as a stream, ditch or culvert. Drains, sewers and canals are not classified as watercourses.