

## Water on Your Land: Your Rights and Responsibilities in Northamptonshire

<b>Watercourses on Your Land</b>				
<b>Classification of a Watercourse</b> <i>Any channel - above or below ground - through which water flows; including culverts (but not canals).</i>	<b>How do you know how the watercourse(s) on your land are classified?</b>	<b>Who owns the watercourse(s) running on, or adjacent to your land?</b>	<b>Who is responsible for the maintenance of them?</b>	<b>If you want to carry out works – other than maintenance of an existing channel – who should you contact and how do you obtain consent?</b> <i>N.B. YOU SHOULD ALSO CHECK WITH YOUR LOCAL PLANNING AUTHORITY WHETHER PLANNING PERMISSION IS REQUIRED* (see text box below)</i>
<b>Main River</b>	<b>Typically, larger rivers.</b> They are designated by the Environment Agency (EA). Main rivers in Northamptonshire are mapped here: <a href="http://www.floodtoolkit.com/risk/?map_layers%5BMain_Rivers%5D=on">http://www.floodtoolkit.com/risk/?map_layers%5BMain_Rivers%5D=on</a> <i>N.B. AREAS OF THE RIVERS ISE AND NENE ARE DESIGNATED AS SSSIs** - IF THEY FLOW ON OR BY LAND YOU OWN, YOU HAVE A RESPONSIBILITY FOR MAINTAINING THEM IN A FAVOURABLE CONDITION.</i>	<b>You, the Land Owner(s)</b> – own to the centre of the river bed from any river bank registered to you (EA has powers to carry out works).	<b>Riparian Owner (s)</b> and EA. Riparian owners – or the landowners on, adjacent to, or under which a watercourse flows - are responsible for maintaining flows and removing obstructions that reduce capacity. Responsibility is to the centre of the river bed from any river bank you own. Full details of riparian ownership responsibilities can be found here: <a href="https://www.wlma.org.uk/uploads/EA_Guide_to_rights_and_responsibilities_of_riverside_ownership.pdf">https://www.wlma.org.uk/uploads/EA_Guide_to_rights_and_responsibilities_of_riverside_ownership.pdf</a> . Environment Agency have powers, but not a duty to carry out maintenance.	<b>Environment Agency: Environmental Permit</b> Within what proximity to a main river – 8-16m (depending on a number of factors) Cost – free (for an exempt activity); £170 (for a single, permitted, non-commercial activity to improve the environment) and £42.50 for each additional activity of this type. Timescale – 13 weeks Legislation - Environmental Permitting Regulations 2016 (EPR) Application form - varying from minimal information for an exemption to a detailed application for a full permit. <a href="https://www.gov.uk/permission-work-on-river-flood-sea-defence">https://www.gov.uk/permission-work-on-river-flood-sea-defence</a>
<b>Agricultural Drain in a Bedford Group of Internal Drainage Boards (BIDB) area</b>	<b>Agricultural drains within BIDB area.</b> Only a very small area of Northamptonshire falls within the BIDB district. <a href="https://www.idbs.org.uk/board-area-map/">https://www.idbs.org.uk/board-area-map/</a>	<b>You, the Land Owner(s)</b> – own to the centre of the drain from any drain bank registered to you (BIDB has powers to carry out works).	<b>The Riparian Owner(s)</b> and BIDB Riparian owners are responsible for maintaining flows and removing obstructions that reduce capacity. Responsibility is to the centre of the drain from any drain bank you own. Full details of riparian ownership responsibilities can be found here: <a href="https://www.floodtoolkit.com/wp-content/uploads/2018/05/15.Riparian-responsibilities.pdf">https://www.floodtoolkit.com/wp-content/uploads/2018/05/15.Riparian-responsibilities.pdf</a> . BIDB having powers, but not a duty to carry out maintenance.	<b>BIDB: Flood Defence Consents</b> Within what proximity to watercourse – 9m Cost – £50 (for each structure) Timescale – 2 months Legislation – Land Drainage Act 1991 Application form – personal details, summary of proposal, works, environmental impact, and scale drawing <a href="https://www.idbs.org.uk/documents/">https://www.idbs.org.uk/documents/</a>
<b>Highways drainage</b>	<b>Highways drainage are the gullies, grips etc. that are integrated within the highway itself.</b> Culverts under a highway are classed as ordinary watercourses, unless they start and end within the fabric of the highway. The vast majority of roadside ditches are classed as ordinary watercourses. The only exceptions tend to be “modern” roads (post-1935), because they are constructed on land purchased by government. To check, contact NCC Highways: <a href="mailto:highways@northamptonshire.gov.uk">highways@northamptonshire.gov.uk</a>	<b>NCC Highways -</b> Drainage within all public roads, other than motorways and strategic trunk roads, which are the responsibility of Highways England.	<b>NCC Highways</b> NCC Highways are responsible for drainage on all public roads, except motorways and strategic trunk roads.	<b>NCC Highways: email for further information</b> For all works email Highways general enquiries: <a href="mailto:highways@northamptonshire.gov.uk">highways@northamptonshire.gov.uk</a> . They will respond within 10 working days and will (normally) allow you to carry out works under a relevant regulation. A typical condition is that an approved contractor is to be used to carry out works under their supervision. Costs and timescales vary considerably.
<b>Ordinary watercourse</b>	<b>If a watercourse is not designated as main river, IDB drain, or a Highways asset, under Common Law, it is the responsibility of the owner of the land through which, or adjacent to where, the watercourse flows, and is classed as an ordinary watercourse.</b>	<b>You, the Land Owner(s)</b> – own to the centre of the watercourse from any ditch bank registered to you (Local authorities have powers to carry out works)	<b>Riparian owners</b> and Local Authorities Riparian owners are responsible for maintaining flows and removing obstructions that reduce capacity. Responsibility is to the centre of the watercourse from any ditch bank you own and the whole of a roadside ditch or culvert your land abuts (unless the ditch/culvert is owned by a Highways Authority). Full details of riparian ownership responsibilities can be found here: <a href="https://www.floodtoolkit.com/wp-content/uploads/2018/05/15.Riparian-responsibilities.pdf">https://www.floodtoolkit.com/wp-content/uploads/2018/05/15.Riparian-responsibilities.pdf</a> . <i>You, as riparian owner, would be liable for any flooding caused, as a consequence of poor maintenance.</i>	<b>BIDB: Flood Defence Consents</b> Within what proximity to watercourse – 9m Cost – £50 (for each structure) Timescale – 2 months Legislation – Land Drainage Act 1991 Application form – personal details, summary of proposal, works, environmental impact, and scale drawing. <a href="https://www.idbs.org.uk/documents/">https://www.idbs.org.uk/documents/</a>

**\*DISTRICT AND BOROUGH PLANNING AUTHORITIES**

**Daventry** <https://www.daventrydc.gov.uk/living/planning-and-building-control/>  
**East Northamptonshire** [https://www.east-northamptonshire.gov.uk/site/scripts/documents\\_info.php?categoryID=200170&documentID=1563](https://www.east-northamptonshire.gov.uk/site/scripts/documents_info.php?categoryID=200170&documentID=1563)  
**Kettering** [https://www.kettering.gov.uk/info/20054/planning/6/do\\_i\\_need\\_planning\\_permission](https://www.kettering.gov.uk/info/20054/planning/6/do_i_need_planning_permission)  
**Northampton Borough Council** <https://www.northampton.gov.uk/planning>  
**South Northamptonshire Council** <https://www.southnorthants.gov.uk/info/173/planning-process/249/do-i-need-planning-permission>  
**Wellingborough** [http://www.wellingborough.gov.uk/info/200128/apply\\_for\\_planning\\_permission](http://www.wellingborough.gov.uk/info/200128/apply_for_planning_permission)

**\*\*SITES OF SPECIAL SCIENTIFIC INTEREST**

**For more information on management and obtaining consent for works, visit**  
<https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest#check-if-you-need-consent>  
**or call Natural England on 0300 060 3900**

## Water on Your Land: Your Rights and Responsibilities in Northamptonshire

### Receiving Water on Your Land

#### *Under Common Law*

If you are the downstream landowner you have “...**the right to receive a flow of water in its natural state, without undue interference in quantity or quality...**” This means that if there are flooding, or pollution issues on your land, your upstream neighbour would only be liable if they have implemented measures without consent, affecting the quantity or quality of water downstream, e.g. failing to maintain their watercourses, modifying a watercourse channel (without permission from the relevant authority), covering natural surfaces without planning permission, or making unpermitted discharges into a watercourse that impact upon water quality.

#### *Under Good Agricultural and Environmental Condition 5*

If you are receiving run-off as a consequence of your neighbour not taking “**all reasonable steps to prevent erosion over a single area of 1 or more hectares**” they would be in breach of GAEC 5:

<https://www.gov.uk/guidance/guide-to-cross-compliance-in-england-2016/gaec-5-minimising-soil-erosion>

### New Rules for Farmers and Land Managers to Prevent Water Pollution (introduced 2 April 2018)

Summary below – for full details: <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

- 1. Assess Pollution Risks** - Identify risks, including: slopes greater than 12 degrees; where groundcover is lacking; distance to freshwaters; soil type and condition; presence and condition of land drains.
- 2. Plan Manure and Fertiliser Applications** - So you don't use more than your crop or soil needs. Take in to account pollution risks and weather.
- 3. Soil tests for cultivated agricultural land** - Soil tests must be used on cultivated ground, defined as either: land you've ploughed, sowed or harvested at least once in the last year, or land on which has been manured or fertilised at least once in the last 3 years, Soil tests must show: nitrogen, phosphorus, potassium and magnesium. Soil test results must be no more than 5 years old at the time of application.
- 4. Applying fertiliser** - You must not use fertiliser on waterlogged, flooded or snow covered soil; when the soil has been frozen for more than 12 hours in the past 24 hours; within 2 metres(m) of freshwater, or where there's a significant risk of pollution.
- 5. Using manure** - You must not use manure: on waterlogged, flooded or snow covered soil; when the soil has been frozen for more than 12 hours in the past 24 hours; within 50m of a spring, well or borehole; within 10m of freshwater (unless you're using precision equipment or you're managing land for specific environmental benefits), or where there's a significant risk of pollution.
- 6. 6m exception for precision equipment** - You can apply manure no closer than 6m from freshwaters with: a trailing hose or shoe band spreader; a shallow injector (no deeper than 10cm); or a dribble bar applicator.
- 7. Exception for environmental benefits** - There's an exception for land you manage for breeding wader birds or as a species-rich semi-natural grassland, on which you can apply livestock manure (not slurry or poultry) within 10m of inland freshwaters, if the land is in an Environmental or Countryside Stewardship scheme, or it's a site of special scientific interest (SSSI). You do not apply manure onto the surface of water; you only apply the manure from 1 June to 31 October; you apply no more than 12.5 tonnes per hectare per year.
- 8. Reduce pollution risks when you use manure or fertiliser** - Examples include: checking your spreading equipment is calibrated and does not leak; working manure or fertiliser into the soil within 12 hours, or as soon as possible after applying it; checking the organic matter content and moisture level in your soil.
- 9. Storing manure** - You must take into account risk factors for runoff when deciding where to store manure on your land. You must not store it: within 10m of inland freshwaters; within 50m of a spring, well or borehole.
- 10. Prevent erosion: manage livestock and soil** - You must take reasonable precautions to prevent soil loss.
- 11. Planting, harvesting and soil management** - You must take reasonable precautions to reduce the risk of pollution when you carry out activities.
- 12. Manage livestock** - You must make sure you prevent livestock compacting soil by trampling it (poaching) within 5m of freshwaters. You must not place livestock feeders: within 10m of freshwaters; within 50m of a spring, well or borehole; where there's a significant risk of pollution and you must take reasonable precautions to prevent pollution from managing livestock, examples include: moving livestock to prevent poaching and bankside erosion, putting up fences to keep animals away from watercourse, and putting wintering livestock on well-drained, level fields.