



## **ROADSIDE DITCH MAINTENANCE AND RIPARIAN OWNERSHIP**

During severe weather numerous calls are received by Wokingham Borough Council reporting blocked and overflowing ditches and requests to clear them. The question of ownership of ditches alongside the highway and the consequent maintenance responsibilities frequently gives rise to difficulties.

Responsibility for watercourses/ditches including roadside ditches rests with the riparian owners. A riparian owner is a property or landowner with watercourses crossing or abutting their land. Where a watercourse is between property boundaries, each owner is jointly responsible

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.



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.

Under Section 25 of the Land Drainage Act 1991 it is the responsibility of the owner or occupier of land adjacent to the ditch or land through which the ditch runs to ensure the ditch remains clear. If a landowner fails to carry out necessary maintenance on an ordinary watercourse (ditch) then the Council can use its permissive powers under the Land Drainage Act 1991 to serve notice requiring them to undertake the necessary works. Failure to comply with such a notice may result in the Council undertaking the work and recharging the owner. The Council would prefer not to take formal action and for landowners to maintain watercourses voluntarily.

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.

If you require further information please do not hesitate to contact Wokingham Direct on 01189746000

