

Riparian Rights and Responsibilities.

Watercourse Guidance – Part One



January 2026

What is a watercourse?

Watercourses play a crucial role in managing flood risk to people and property in Milton Keynes, as well as environmental factors. That is why it is important to ensure they are carefully managed.

We use the term 'watercourse' to describe any channel, above or below ground, that moves water from one place to another. This includes every river, drain, stream, ditch, dyke, cut, sluice, culvert, sewer (other than public sewer). Water does not need to always flow for it to be considered as a watercourse.

Watercourses can be further classified as **main rivers**, usually larger rivers or **ordinary watercourses**, which are smaller watercourses that do not form part of main rivers.

What does riparian mean?

The word riparian means relating to or situated on the banks of a watercourse. It can be used to describe people who live on, own or tenant land next to a watercourse as well as the environment next to a watercourse. This is relevant to both urban and rural locations.

Who regulates the different types of watercourses in Milton Keynes?

Although different authorities have duties in watercourse management, they do not have any duties for watercourse maintenance, unless they own or tenant the land the watercourse is on or next to. So riparian responsibilities such as maintenance remain regardless of whether an overarching authority manages a section of watercourse.

If you are planning to carry out work near a watercourse, you may need permission and will need to discuss your plans with the correct authority:

Environment Agency - the relevant authority for watercourses designated as 'main river' and the surrounding floodplain. This includes our larger rivers like the River Great Ouse, River Ouzel, River Tove, Tongwell Brook and Water Eaton Brook.

Bedford Group of Drainage Boards - the Internal Drainage Board responsible for managing water levels in their district, which includes areas along Broughton Brook, Loughton Brook and Caldecotte Brook.

Milton Keynes City Council (as Lead Local Flood Authority) - responsible for all other smaller watercourses in Milton Keynes, outside of these above areas.

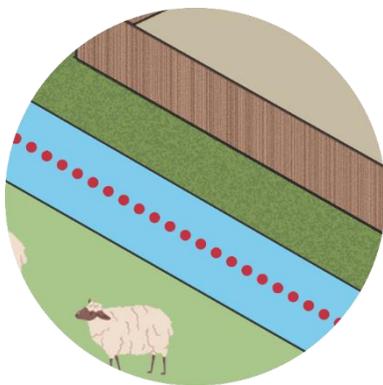
What rights and responsibilities apply?

Riparian rights are to receive any flow of water from upstream, and riparian responsibilities are to maintain free flow of water for those downstream. They apply when a person or organisation owns land, which contains or is next to a watercourse. If you rent the land you should agree with the owner who should manage watercourse maintenance responsibilities.

How do you know if you are a riparian owner?

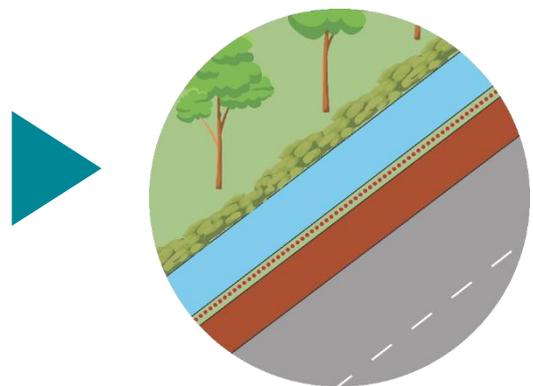
It is possible to be a riparian owner without owning the watercourse itself. Check your property deeds as hedges, fences and earth banks may not signify your legal boundaries.

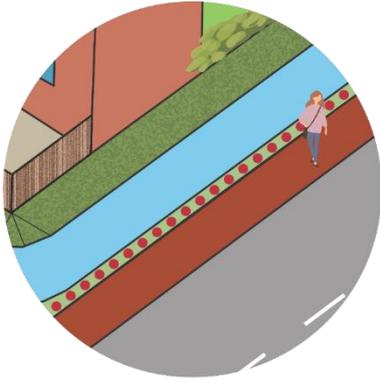
Where there is a different landowner/tenant on each side of the watercourse, it is the presumption in **common law** that watercourse maintenance rights and responsibilities apply up to the **centreline of the watercourse**, for the length of watercourse adjoining the parcel of land. Unless there is any evidence to indicate otherwise:



When there is a fence between your land and the watercourse, the presumption remains that the watercourse marks the land boundary, rather than the fence, and therefore riparian maintenance responsibilities still apply.

When there is a hedge the landowner on the hedge side of the bank has maintenance responsibilities for the whole watercourse, rather than just up to the centreline ('Hedge and Ditch Rule' dating back to the 19th century).





When there is an adopted highway road on one side of the watercourse, the landowner on the non-highway side of the bank has maintenance responsibilities for the whole watercourse, rather than just up to the centreline.

What might this look like?

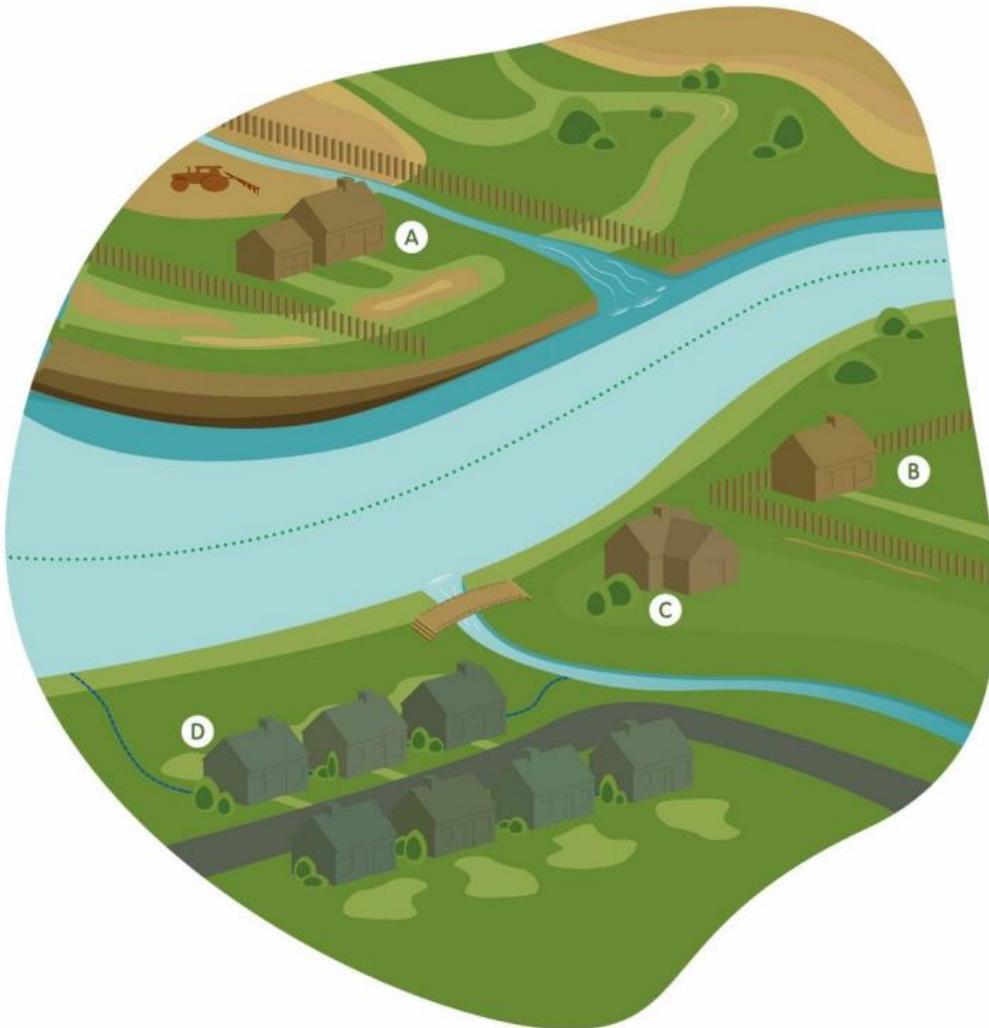


Figure 1 - An example of typical circumstances in which you are classed as a riparian owner. Credit: Environment Agency with permission via [OGL](#) (Source: [Owning a Watercourse](#)).

A	Property A is responsible for the watercourse that runs through their property. They also own up to the centre of the watercourse that runs along their property boundary to the south.
B	Property B is not a riparian owner as their property boundary is set back and does not extend towards the watercourse.
C	Property C is responsible for the watercourse to the rear of their boundary, extending to the central line. They are also responsible for the stream to the west of the property up to halfway across the watercourse.
D	A watercourse may also be covered or 'culverted'. Properties D are all riparian owners and responsible for the culvert running beneath their properties, as shown by the dashed blue line

More Information

Milton Keynes City Council, as an authority with responsibilities for flood risk management, raises awareness of riparian maintenance responsibilities, and encourages people to uphold them. This document is not intended to replace statutory or common law provisions.

If you require assistance accessing any data or information discussed above, have a query, or would like more information about a topic or relating to your site, please do not hesitate to contact us at: LLFA@milton-keynes.gov.uk

Alternatively, the '[Owning a Watercourse](#)' guidance, is available from the GOV.UK website, which sets out riparian rights and responsibilities in greater detail.



Milton Keynes
City Council