



OPW Oifig na
nOibrecha Poiblí
Office of Public Works

Living near Watercourses



A guide to the Rights and Responsibilities

of Landowners

January, 2020

What is the purpose of this Guidance Document?

This guidance document is aimed at owners of land or property which is located on the banks of a watercourse - both natural and artificial. Such landowners are commonly termed riparian owners. Landowners need to be aware of their rights and responsibilities in relation to watercourses and this online leaflet provides some practical advice and assistance for the management of watercourses.



What is a Watercourse?



A watercourse is any natural or artificial channel above or below ground through which water flows, such as a river, stream, ditch, mill stream or culvert. Watercourses are valuable assets that provide us with vital water supplies and support our natural habitats and biodiversity and contribute in no small way to our agricultural, fishery and tourism industries.

Watercourses need to be protected, managed and improved so that they support the ecosystems and industries that rely on them now and in the future.

However, watercourses can become a source of flooding, particularly in times of bad weather and heavy rainfall and blocked or overflowing watercourses can have significant adverse effects on communities.

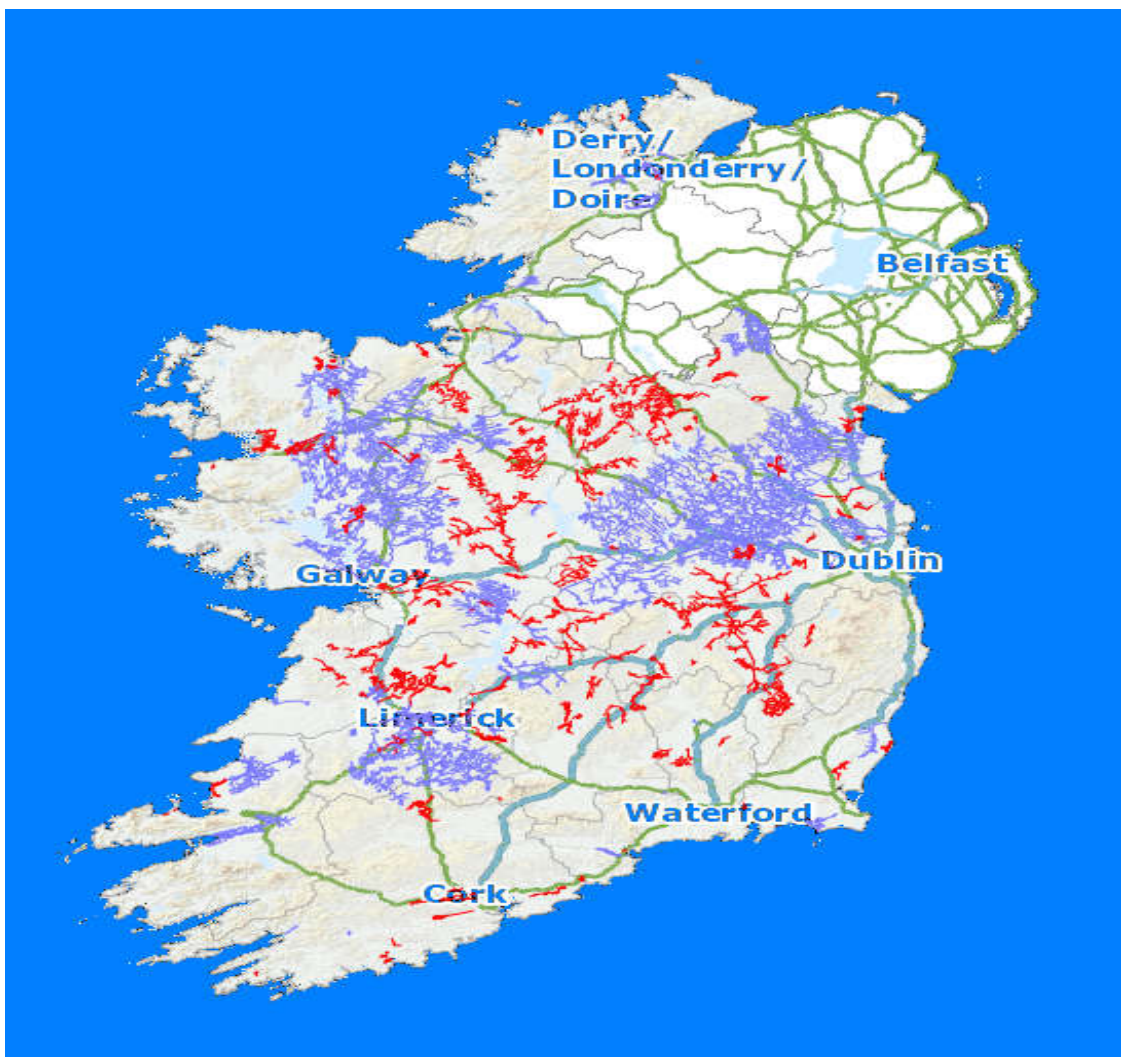
Owners of land have an important role in ensuring that watercourses are managed and free flowing so that in extreme weather events the risk of flooding can be minimised.

Who is responsible for the management of watercourses?

Landowners are generally responsible for the management of watercourses on their lands. However, statutory drainage schemes were constructed since 1842 on some 16,000kms of watercourses to improve the drainage of agricultural land. Responsibility for maintaining these watercourses rests with local authorities for drainage district schemes completed up to 1945 and from this date the [Office of Public Works](#) (OPW) is responsible for arterial drainage schemes it has carried out.

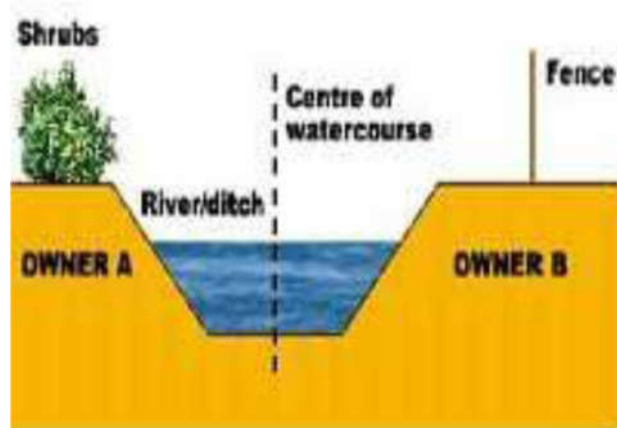
There is a watercourse on or next to my property – Who is responsible for its maintenance?

If you own land beside, above or with a watercourse running through it, you can check on www.floodinfo.ie if that watercourse is part of a statutory drainage scheme. If it is part of a statutory drainage scheme, the maintenance responsibility rests with either the local authority or the OPW.



For some waterways, other public authorities can have partial channel maintenance responsibilities e.g. [Waterways Ireland](#) for maintenance of navigation channels, including the Barrow Navigation, Erne System, Grand Canal, Lower Bann, Royal Canal, Shannon Erne Waterway and Shannon Navigation.

If the watercourse on or beside your land is not part of a statutory drainage scheme, you may be generally responsible for the management of the watercourse as the riparian owner. Where the land on the other side of the watercourse is not in your ownership, you may be the joint riparian owner together with the landowner on the other side to the centre of the watercourse, unless the title deeds of your property provide otherwise.



What are my rights as a riparian owner?

Your rights as a riparian owner include:-

- You have the right to protect your property from flooding, and your land from erosion. However, you should consult and agree with your Local Authority the most suitable course of action prior to undertaking any maintenance works.
- While you may have the right to fish in your watercourse using a legal method, it is important to consult with your local [Inland Fisheries Ireland \(IFI\) office](#) to check what your rights are and if a fishing licence is required.
- Water should flow onto or under your land in its natural quantity and quality. This means that water should not be taken out of a watercourse if it could lead to a lack of water downstream. It also means that a person cannot carry out activities that could lead to pollution of the water and therefore reduce the natural water quality within a watercourse.



What are my responsibilities as a riparian owner?

Your responsibilities as a riparian owner include:-

- Passing on water flow without obstruction, pollution or diversion affecting the rights of others,
- Managing the channel for the purposes of flood risk and having due regard for the needs of wildlife and giving space for nature,
- Maintaining the bed and banks of the watercourse (including trees and shrubs growing on the banks), taking appropriate steps to prevent erosion of the banks, clearing any debris, including litter whether or not it originated from your land,
- Protecting waters against [pollution from agricultural sources](#),
- Maintaining free passage for fish,
- Keeping clear any structures that you own such as culverts and weirs,
- Not building new structures that encroach on the watercourse or alter the flow of water.



Do I need planning permission to carry out works on a watercourse?

Works on a watercourse, even if relatively minor, may require planning permission. Therefore, you should consult your local authority prior to commencing any works. The Planning Department of your [local authority](#) can advise you if planning permission and/or environmental assessment is required in a particular case. It should be noted that planning permission is required for the [drainage or reclamation of wetlands](#) in excess of 0.1 hectares.

Are there other permissions or consents required?

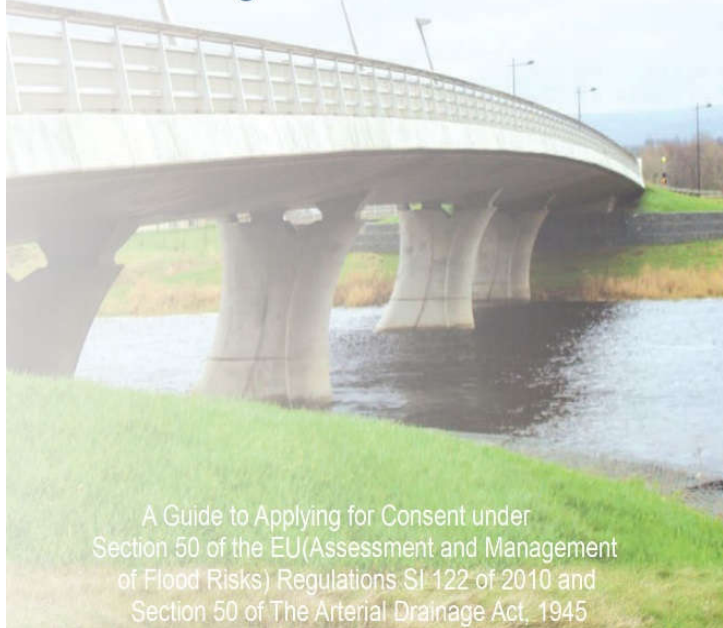
There are a range of other permissions and consents that may be required depending on the location and the type of works proposed. For example, the consent of the Minister for Agriculture, Food and the Marine is required for [land drainage works on lands used for agriculture that exceed 15 hectares](#). In addition, drainage works on lands where the activity may have a significant effect on a European site ([Special Area of Conservation](#) or [Special Protection Areas](#)), or a [Natural Heritage Area](#) (irrespective of the size of area affected) may require consent. You should contact your [local NPWS Conservation Ranger](#) for advice in this regard before carrying out any works.

Do I need consent to construct or to carry out works to a bridge, a culvert or a weir on my land?

The consent of the OPW is required to carry out construction/alteration works on bridges and culverts. A guide has been produced by the OPW to assist those applying for consent to construct, replace or alter a bridge or culvert – see www.opw.ie.

A person planning to erect or alter a weir must first get consent from the OPW or all affected landowners. The OPW may grant consent only where the applicant meets stringent requirements.

Construction, Replacement or Alteration of Bridges and Culverts



Is there further practical guidance for property owners in relation to flooding or undertaking emergency works following a flood?



Environmental Drainage Maintenance Guidance Notes

[OPW Environment Guidance](#) for drainage maintenance sets out a series of good practices with Environmental Procedure No. 7 of particular relevance which sets out 10 steps to environmentally friendly channel maintenance.

Teagasc/IFI have also produced a leaflet on Minding our Watercourses and this is available [here](#).

Protection of Fisheries during construction

IFI has issued guidance notes on Protection of Fisheries during construction works in and adjacent to waters and this is available [here](#).

Planting forests to manage flood risk

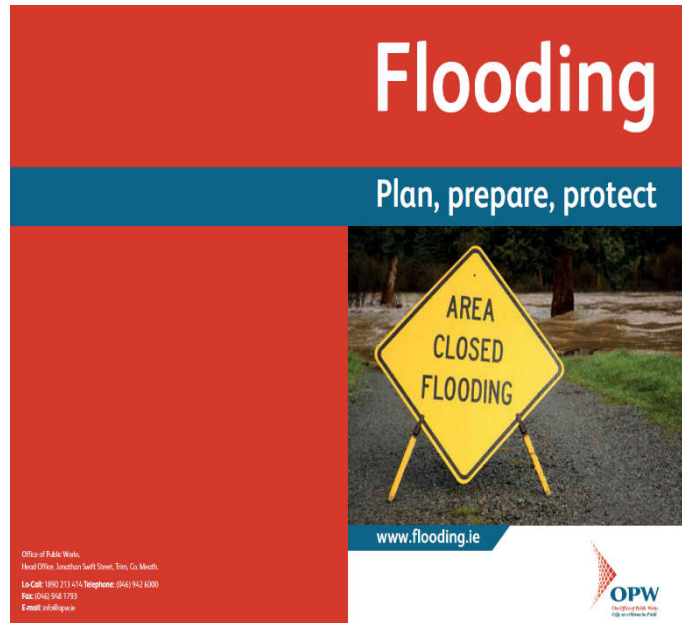
The Forest Service has published [Forestry Standards Manual 2015](#) and [the Code of Best Practice – Ireland and the Forest and Water Quality Guidelines Part 1 and Part 2](#) that provides guidance on measures to be taken by those planting forests to manage flood risk.

Flooding

Practical advice to all those whose homes or businesses may be at risk, including information on who can help during a flood event is available in the booklet [Flooding - Plan, prepare, protect](#)¹.

Emergency Works following a flood

The National Directorate for Fire and Emergency Management in conjunction with a number of Government Departments has developed a [Guide to Works and Development Consents for Repairing Infrastructure Damaged in Storms or other Emergency Events](#).



Who can I contact for further information?



[Department of Agriculture,](#)

[Food and the Marine](#)

– (01) 607 2000 or 0761 064400

[Department of Housing, Planning
and Local Government](#)

– (01) 888 2000 or 1890 20 20 21*

[Inland Fisheries Ireland](#)

– (01) 884 2600

[Office of Public Works](#)

– (0761) 106000 or 1890 213 414*

[National Parks & Wildlife Service](#)

– (01) 888 3242 or 1890 383 000*

* 1890 (LoCall) numbers are accessible only from the Republic of Ireland. The rates charged for the use of 1890 numbers may vary among different service providers.



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Disclaimer

Please note that this document aims to provide general guidance and assistance to individuals who are considering undertaking drainage and other works within or near watercourses. However, it does not purport to be a legal interpretation nor does it provide an exhaustive listing of rights and responsibilities or potential consents or permissions required before carrying out works. If you are considering undertaking any works, especially within or near a nature conservation site you should contact the relevant statutory authorities in the first instance.