



## Ecchinswell Sydmonton & Bishops Green Parish Council

ESBG's monthly meeting was cancelled this month, as the Clerk was unable to make the journey from her flooded village. However the Council would like to take this opportunity to highlight an important and topical subject. So far this winter we have been spared from catastrophic flooding in our area. We do however, have a responsibility together with the appropriate Authorities, to do all we can to alleviate any potential flooding by taking care of our ditches and drainage systems.

**Are you a Riparian Owner?** There is an old saying, "*If you own the hedge, you own the ditch*". It is believed that the sense behind this was that spoil from the ditch, a rich composition, would be put into the hedge to feed it. Common Law imposes a duty on the owner of land adjoining a highway to maintain these ditches that provide natural drainage for both the land and highway. A watercourse is defined as any channel through which water flows. It may range from a reasonable sized ditch with a constant flow, to nothing more than a depression which carries water infrequently. Within the meaning of the Act, "watercourses" may also be piped. Whilst watercourses may take run-off from the highway, the originating flow will normally be from a land drainage source.

Ditches on the road side or field side of fences and hedges taking land drainage as well as highway drainage are, under Common Law, the responsibility of the Riparian Owner - that is the land owner. Therefore, if it can be demonstrated that a flood has occurred as a direct result of a landowner not satisfying their riparian responsibilities through proper maintenance of their ditches, that landowner could be found liable for compensating any damage that occurs. In this situation the landowner faces being taken to court by those who are affected.

A little circumspection and sensitivity is paramount in our next statement. Some landowners take their responsibility with the same excitement and importance as repairing pot holes on Uzbekistan's great Silk Road. This is unfortunate, as in the extreme weather we are currently enjoying we can see flooding on roads from overflowing ditches. This in turn, undermines the edge of the Queen's highway and contributes to even more pot holes. The Highways Authority has the power to restore the profile of these ditches as appropriate and charge the landowner where necessary.

However, your Parish Council may be able to help in this herculean task, given the agreement of council members and the keeper of the chest. So please do keep a watchful eye on our Parish website for the latest news and updates on this matter.

The next Parish Council meeting will be on the 12<sup>th</sup> March in Ecchinswell Village Hall starting at 19:30 hours