



Adoption and Abandonment of Watercourses Policy

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| Approval date: 20/04/2026 | Approved by: Board |
| Applies to: Board Members, officers and employees of the Board, and any landowners, developers, or agents submitting adoption or abandonment requests. | Linked Documents: Watercourse Maintenance Policy Water Level Control Structures Policy. |
| Frequency of review: 3 years | Next review date: April 2029 |

1. Background

- 1.1 Under common law, the responsibility for maintaining watercourses rests with the [riparian owner](#), the individual who owns land adjoining the watercourse. However, as different owners often have varying priorities, expectations, and maintenance standards, problems can arise, especially where the condition of a watercourse deteriorates due to inconsistent upkeep by downstream owners, resulting in issues for upstream landowners.
- 1.2 The Board has permissive powers under the Land Drainage Act 1991 to carry out maintenance works on watercourses where necessary. In some cases, it may formally “adopt” a watercourse to ensure its ongoing maintenance as part of a strategic arterial drainage network. Adoption helps ensure a consistent maintenance standard and enables the application of the Board’s Byelaws, particularly those restricting development or access near the watercourse.
- 1.3 The Board currently maintains approximately 209.7 km of watercourses. These include watercourses owned outright by the Board, typically vested under historical drainage or reclamation legislation, as well as those privately owned but maintained by the Board under permissive powers.
- 1.4 From time to time, the Board may adopt or abandon watercourses in response to changing local circumstances. This policy outlines the criteria and principles used to guide such decisions. It is not intended to trigger large-scale changes to the existing maintained network, but instead to support consistent, fair, and defensible decision-making when responding to landowner requests or reviewing network needs.
- 1.5 Each case will be assessed on its own merits, recognising that individual land use, topography, access constraints, and risk may vary beyond what any standard criteria can fully capture.
- 1.6 The Board maintains a map of all adopted watercourses, available on its website, which informs stakeholders and supports transparency in decision-making



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2. Watercourse Adoptions and Abandonments

- 2.1 The Board occasionally adopts new watercourses into its maintenance programme or ceases maintenance of existing ones, in response to evolving land use, drainage need, or strategic priorities.
- 2.2 This policy sets out the key criteria to guide decision-making on the adoption or abandonment of watercourses. These criteria are intended to:
- Provide a consistent and transparent approach.
 - Assist in responding to requests from landowners or stakeholders.
 - Ensure the Board maintains an efficient, sustainable network of arterial watercourses.
- 2.3 These criteria are not intended to prompt wholesale changes to the existing network. Instead, they will support the Board in making evidence-based decisions when assessing individual cases.
- 2.4 Each case will be assessed on its individual merits. It is recognised that no single set of criteria can account for all site-specific variables such as access, function, legal constraints, or catchment context.

3. Criteria for Adoption of a Watercourse

- 3.1 The Board may consider adopting a watercourse where it would support effective and sustainable water level management, including the conveyance, retention, or redistribution of water, and where:
- It serves multiple riparian owners or properties and causes persistent or recurring drainage problems.
 - There is a reasonable likelihood that future changes in land use, water management, or climate will lead to increased flood risk, reduced drainage effectiveness, or missed opportunities for water retention and reuse.
 - Informal or one-off enforcement under the Land Drainage Act 1991 would be insufficient to ensure consistent long-term maintenance and appropriate water level management.
- 3.2 In such cases:
- The benefit of adoption must outweigh the long-term cost to the Board and its ratepayers.
 - Any necessary improvements to bring the watercourse to an acceptable standard must be funded and delivered by the riparian owner(s) or developer, to the Board's specification, before adoption is agreed.

- 3.3 The Board will also assess:



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- Whether safe, practical access can be achieved for future maintenance operations.
- The implications of retrospectively applying the Board’s Byelaws, particularly Byelaw 10, which restricts construction or development within 9 metres of the watercourse.

| Criterion | Description |
|--|--|
| Strategic Value | The watercourse forms part of a wider arterial drainage system and is considered essential to maintaining catchment drainage or flood risk management. |
| Multiple Landowners/Complex Interests | Where a watercourse flows through or affects multiple landowners, and consistent maintenance is unlikely to be achieved without Board involvement. |
| Access Constraints | The riparian owner is unable to access or maintain the watercourse effectively due to topography, infrastructure, or legal constraints. |
| Environmental Risk | Failure to maintain the watercourse would present an environmental risk (e.g. water quality, habitat degradation, siltation downstream). |
| Legal or Historic Precedent | There is evidence of past Board maintenance or historic drainage responsibilities that may create a reasonable expectation of Board involvement. |
| Public Benefit | The adoption would support wider community or public benefits (e.g. reduced flood risk to property, amenity value, or environmental gain). |

3.4 A watercourse will not normally be adopted if:

- It serves only a single landholding or internal field drain system with no wider catchment benefit.
- The maintenance issue arises due to poor landowner stewardship rather than intrinsic physical or drainage limitations.
- It falls outside the Board’s district or does not connect into a Board-maintained arterial watercourse.
- The watercourse would present disproportionate cost, access, or environmental compliance risks.

3.5 The Board may request supporting evidence from the landowner before proceeding with adoption, such as:

- Land Registry title plans.
- Evidence of historic maintenance issues.
- Any known constraints or obstructions (e.g. culverts, debris).

3.6 Where adoption is agreed in principle, the Board will record the change formally in its asset register and GIS mapping system and update the Byelaw watercourse schedule if applicable.



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4. Criteria for Abandonment of a Watercourse

4.1 The Board may consider withdrawing from routine maintenance of a watercourse where one or more of the following criteria apply:

| Criterion | Description |
|---|---|
| Redundancy | The watercourse no longer serves a significant land drainage or flood risk function, for example due to recontouring, urbanisation, or catchment reconfiguration. |
| Low Strategic Value | The watercourse is not part of a connected arterial system and provides little or no benefit to the wider network. |
| Adequate Riparian Maintenance | Maintenance is being, or can reasonably be, carried out by the riparian owner to an adequate standard. |
| Access or Health and Safety Risk | Ongoing maintenance presents a persistent health and safety or access risk that outweighs the operational benefit. |
| Environmental Constraint | Legal or ecological constraints (e.g. protected species, scheduled monuments) prevent effective maintenance within reasonable cost or risk parameters. |
| Cost Disproportionate to Benefit | The cost of maintaining the watercourse substantially outweighs the benefit delivered in terms of water level management or risk reduction. |

4.2 A watercourse will not normally be abandoned if:

- It contributes significantly to the functioning of the wider drainage system.
- Abandonment would materially increase flood risk to others (e.g. downstream properties, roads, or land).
- There is strong evidence of historic Board responsibility, including vesting or legal transfer.
- There is no reasonable expectation that riparian owners would maintain it effectively if the Board ceased involvement.
- It is essential to the effective functioning of the wider system, even if it currently serves only a single owner or occupier.

Key considerations include:

- Where the watercourse is not owned by the Board, maintenance responsibility will revert to the riparian owner(s) upon abandonment.
- Where the watercourse is owned by the Board, abandonment is more complex, as the Board retains ownership and thus maintenance liability unless legal transfer or sale of the asset occurs.



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- 4.3 The Board will consider consulting affected landowners and drainage ratepayers prior to making a final decision. In some cases, a phased withdrawal may be more appropriate, with a handover period and signposting to legal responsibilities.
- 4.4 Where abandonment is agreed, the change will be:
- Logged in the Board's asset register and GIS system.
 - Reflected in maintenance schedules and operational plans.
 - Documented for future reference to demonstrate rationale and compliance with this policy.

5. Policy Approach

- 5.1 The Board recognises the need for a flexible, evidence-based approach when considering the adoption or abandonment of a watercourse. Each case will be judged on its own merits, with decisions informed by both the criteria in Sections 3 and 4 and by local context.
- 5.2 The Board's aim is not to radically expand or reduce its adopted network but to:
- Provide consistency and transparency in decision-making.
 - Protect the integrity and function of the wider arterial drainage system.
 - Support landowners in meeting their legal responsibilities, where appropriate.
- 5.3 The Board retains discretionary powers under the Land Drainage Act 1991 to adopt or cease maintenance of watercourses. These powers are permissive and not mandatory. Adoption or abandonment does not imply a legal obligation to maintain indefinitely and may be subject to future review.
- 5.4 In all cases, the Board will take into account:
- Current and projected drainage need.
 - Funding availability and operational capacity.
 - Health and safety obligations.
 - Environmental and biodiversity impacts.
 - Alignment with the Board's maintenance strategy and Biodiversity Action Plan (where relevant).

6. Appeals or Challenges

Where a landowner or occupier disagrees with the Board's decision to adopt or not adopt (or to abandon or not abandon) a watercourse, they may request a review of the decision. Such requests must be submitted in writing, providing relevant supporting evidence, and will be considered by the Board or its designated committee on a case-by-case basis.



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The Board aims to acknowledge all review requests within 14 working days and provide a response within 8 weeks where possible

7. Equality and Environmental Considerations

All decisions regarding the adoption or abandonment of watercourses will be made in accordance with the Board's duties under the Equality Act 2010 and the Environment Act 2021. Where applicable, environmental protection and enhancement, biodiversity, and fair treatment of all parties will be considered in line with the Board's Biodiversity Action Plan and strategic environmental aims, where relevant.

Version Control

| Version | Date Approved | Summary of Changes |
|---------|---------------|-------------------------|
| 1.0 | 20/04/2026 | Initial policy approved |