

Meeting	Parks & Open Spaces Committee
Date	6 th October 2026
Report Title	Difficulties Resolving Watercourse and Flood Defence Issues with the Environment Agency
Agenda Reference	19
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Officers' recommendation

1. The Committee is asked to note the general pattern of difficulty described in this report. The Committee may also wish to consider whether a formal written approach to the Environment Agency and Swindon Borough Council, seeking an agreed and documented position on responsibility for these categories of case, would help reduce delays in future.

Purpose

This report highlights an ongoing difficulty in resolving issues relating to watercourses and flood defence land where the Environment Agency holds, or may hold, responsibility. The purpose is to inform the Committee of the general pattern of these cases, the lack of clarity over where responsibility sits between organisations, and the resulting impact on officer / administration time and resolution timescales.

Background

A recurring category of issues reported to the Parish Council concerns land, trees, hedgerows, or watercourses that sit on or adjacent to flood defence infrastructure. Responsibility for maintenance in these locations frequently falls outside the Parish Council's remit and instead sits with the Environment Agency, the landowner, or another authority, depending on the specifics of the site. In each case, the Parks & Open Spaces Manager carries out a site visit and gathers the relevant information before a referral is made to the appropriate body.

Progressing these referrals to a resolution has, however, proven consistently time-consuming. This is not limited to a single site or type of issue but reflects a broader pattern affecting multiple locations across the Parish.

The Core Issue: Establishing Responsibility

The central difficulty is not the identification of the issues themselves, which are generally established quickly following a site visit, but establishing which organisation is responsible for resolving them.

In several instances, the Parish Council has been advised by the Environment Agency that responsibility rests with the landowner, in this case Swindon Borough Council (SBC). SBC has, in turn, advised that the works fall outside its scope and that the Environment Agency should be approached instead. This creates a cycle of referrals between organisations without a clear resolution, and has, in some cases, required significant officer / administration time to pursue without a proportionate outcome.

A related difficulty arises with watercourses that do not meet the Environment Agency's definition of a "main river." In these instances, the Environment Agency has advised that the watercourse does not fall under its maintenance remit, without always identifying which body, if any, holds that responsibility instead.



Operational Constraints on Watercourse Maintenance

Requests are regularly received to remove debris and other items from brooks and streams. However, the Council currently lacks both the specialist equipment and the relevant training required to carry out this work safely. Many brook locations have steep or unstable banks requiring specialist access equipment, and there are further concerns regarding waterborne disease risk for which staff are not currently equipped or trained.

Illustrative Examples

The following examples, all currently subject to referral or ongoing correspondence, illustrate the range of circumstances in which this difficulty has arisen. They are not exhaustive but are representative of the wider pattern described above.

Charlock Path

An overgrown tree encroaching onto a resident's property was found, following a site visit, to be rooted within the adjacent flood defence and to exceed the height and access conditions that could be safely managed by the Parish Council. This has been referred to the Environment Agency on the basis that removal falls within its remit.

Chatsworth Road

A strip of land forming part of the flood defence, running behind properties along the footpath, was confirmed via the Parish Council's maintenance maps to fall outside its maintenance responsibility, both currently and historically. A referral has been made to the Environment Agency to establish whether it can resolve the issue or confirm the responsible party.

Parsley Close

Overgrown hedgerows affecting a resident's garden were found, following inspection, to sit along a main watercourse forming part of a flood defence, on a steep bankside with no viable access from the Parish Council's maintained side. This has limited the Parish Council's ability to carry out maintenance to that section.

Haydon Wick Brook

Repeated reports of rubbish and debris in this watercourse, at various locations, have been raised with the Environment Agency, which has advised that as the brook does not connect to a main river, it does not fall under its maintenance remit.

Research: How Other Swindon Parish Councils Manage Watercourse Maintenance

A review was carried out of how other parish councils within the Borough of Swindon handle the maintenance of ditches, brooks, and flood defences specifically, rather than flood-risk communication more generally. The findings are summarised below.

General Position

As set out in Section 3, responsibility for ordinary watercourses (streams, brooks, ditches, and culverts not classed as a main river) sits in law with the adjoining landowner, known as the riparian owner, with Swindon Borough Council holding enforcement powers where an owner cannot be identified or will not act. Parish councils within the Borough do not generally carry out watercourse maintenance directly; their role instead tends to focus on signposting, escalation, and resident support.

South Marston Parish Council

Rather than referring individual cases separately, South Marston Parish Council previously wrote to Swindon Borough Council with a single consolidated letter covering its outstanding ditch and



watercourse concerns. The Borough Council's response included an offer to work with the Parish to identify and prioritise "key" watercourses for maintenance and enforcement and named a single contact within its Street Scene team for drainage matters, rather than leaving the Parish to approach multiple departments.

Chiseldon Parish Council

Chiseldon Parish Council has taken a resident-facing approach, publishing a dedicated flooding information page and providing free flood prevention aids (aquasacs) to residents. Where a specific drainage or ditch issue has been identified, such as at Badbury Bottom, the Parish Council has worked with a Swindon Borough Council ward officer to arrange a site walk with the landowners concerned, with a view to agreeing remedial action directly with them.

West Swindon Parish Council

West Swindon Parish Council's approach has been largely to receive and note correspondence from the Environment Agency, such as updates on the "Floodwise Swindon" initiative, rather than to instigate its own maintenance or referral process. Its role in this instance has been to act as an information channel to residents.

Implications

- Cases of this type are taking considerably longer to resolve than would be expected for issues outside the Parish Council's direct maintenance responsibility.
- Officer time is being spent on site visits, referrals, and follow-up correspondence across multiple cases, in addition to the Parish Council's core maintenance workload.
- Residents affected by unresolved issues remain without a resolution while responsibility is clarified between agencies.
- There is currently no agreed mechanism for escalating cases where responsibility is disputed between the Environment Agency and Swindon Borough Council, or where a watercourse falls outside the definition of a main river.

Proposed Next Steps – Watercourse and Flood Defence Issues

For consideration by the Parks & Open Spaces Committee

It is proposed that the Parish Council adopts the following procedure for dealing with resident reports relating to watercourses, flood defence land and associated vegetation or maintenance issues:

1. **Receive and record**
All reports should be logged on the Parish Council's reporting system, including the location, nature of the issue and any immediate risk identified.
2. **Initial assessment**
The Parks & Open Spaces Manager should establish whether the issue appears to fall within the Parish Council's maintenance responsibility. Where appropriate, a site visit should be undertaken.
3. **Identify the responsible organisation**
Where the issue is outside the Parish Council's responsibility, the likely responsible body should be identified as the Environment Agency, Swindon Borough Council, the relevant landowner or another authority.
4. **Refer and retain oversight**
The matter should be referred to the appropriate organisation, while the Parish Council retains a record of the case and monitors progress rather than allowing responsibility to become unclear.
5. **Escalate disputed responsibility**
Where the Environment Agency and Swindon Borough Council provide conflicting



advice, or responsibility cannot be established, the case should be escalated through an agreed Parish/SBC/Environment Agency contact and should not simply be referred back and forth.

6. **Regular joint review**

The Parish Council should seek to establish a regular liaison arrangement with Swindon Borough Council and the Environment Agency to review outstanding cases, identify priority locations and agree responsibility and next actions.

7. **Keep residents informed**

Residents should be advised of the action taken, the organisation responsible where known, and any significant changes in the status of their report.

8. **Review unresolved cases**

A consolidated register of outstanding watercourse and flood-defence cases should be maintained and reviewed periodically by the Parks & Open Spaces Manager, with significant or prolonged cases reported to the Committee.

Proposed Committee resolution:

That the Parks & Open Spaces Committee supports the above procedure and recommends that officers seek to establish a clearer joint escalation and liaison process with Swindon Borough Council and the Environment Agency for cases where responsibility for watercourses or flood defence land is unclear or disputed.