

Boylestone Parish Council

Clerk: Peter Bambury

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April 2024

Dear Parishioner,

With the increasingly poor condition of the local roads, the subject of highways verges, ditches and associated flooding is never very far away.

The Parish Council regularly receives comments and complaints on these matters and I have been asked therefore to write to you to try to clarify some of the issues.

This letter is being hand delivered to the residents of all properties in Boylestone.

There is no intention to single out any individual but rather, to try to offer some clarity in general on a matter that is of great concern to the Parish Council, as well as to the individuals which it represents.

Maintenance of highways verges

Overgrown highways verges in the summer can produce poor definition of where the road edge actually is and can therefore be hazardous to road users. However, these areas also provide habitats to a wealth of wildlife and the need for protection of these is now much better understood.

Grass verges that abut the public highway in our area are fundamentally the responsibility of Derbyshire County Council. However, where a person wishes to undertake maintenance work themselves, it is possible for the individual to apply to the County Council for a licence to permit this. This is known as a cultivation licence and can be granted provided certain conditions are met. Applications for a licence can be made by emailing highways.hub@derbyshire.gov.uk and the option is available to private individuals, organisations as well as local (parish) councils.

This Parish Council has been advised that at the current time, Derbyshire County Council are only cutting verges twice a year in the summer months and then only to a limited extent. This is a result of both resource issues and new legal requirements on maintaining biodiversity. In the light of this, the Parish Council has considered procuring additional verge cutting services itself, but due to costs and the necessary licence policy, this remains under review.

The Parish Council would like to thank all those residents who themselves have carried out some form of upkeep of the verges outside their respective properties, but we do also remind them that such land does form part of the public highway and that stones and other

objects should not be placed on it. Objects placed on highway verges can present a hazard to road users and there have been cases where persons responsible have been held liable for accidents that have occurred.

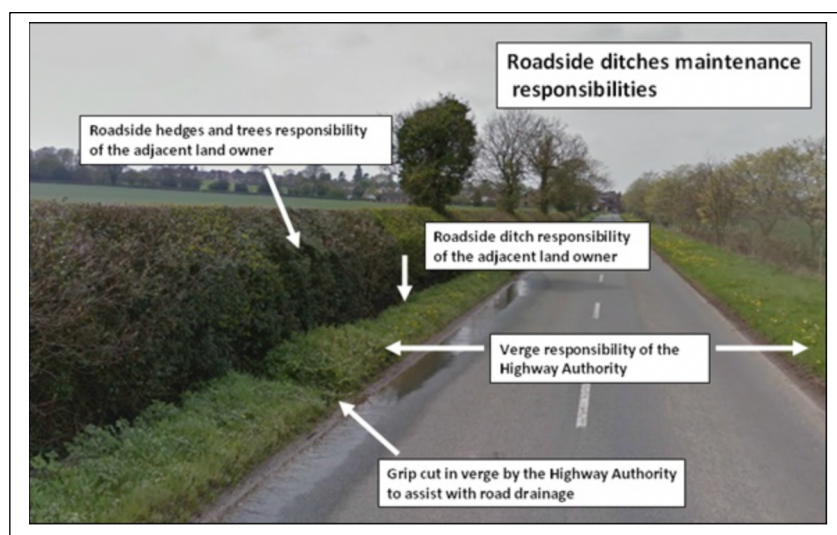
Roadside ditches and riparian ownership

No one can fail to have noticed the substantial amount of rain that we have experienced in the last year, which as we all know, has caused a number of problems on the local roads. The Parish Council continually monitors the situation, presses for action from Derbyshire County Council and, on occasion, has arranged for the clearing of drains, ditches and gullies itself. However, the latter invariably comes at a cost which of course, is ultimately funded by all Boylestone residents.

Whilst it is acknowledged and much appreciated that some local residents do effect necessary ditch maintenance themselves, it does have to be said that there have been instances where flooding to local roads has been caused by some ditches being blocked because they have not been effectively maintained by the owners or occupiers of adjacent land, despite their common law responsibility to do so.

That legal responsibility is basically related to the concept of riparian ownership, which applies to anyone whose property or land that they either own or otherwise occupy, is situated on, or adjacent to, a local watercourse such as a brook, stream, ditch, or dyke.

To give clarity on where responsibilities lie for the various elements of highways structures, I reproduce below an annotated photograph that I found on the Staffordshire County Council website, which I think may be useful.



Riparian owners have a responsibility to maintain the bed and banks of any watercourses adjacent to their land, as shown in the photograph, as well as the trees and vegetation growing on the banks. This includes keeping ditches free of debris, both natural and artificial, irrespective of how the presence of such debris may have originated.

It is clear that the consequences for local roads, which are of course public roads, through adjacent ditches not being effectively maintained, are substantial. Local Highways Authorities, in our case Derbyshire County Council, do have legal powers of enforcement against those who fail to discharge their common law responsibilities in this regard and in the interest of fairness to all Boylestone residents, the Parish Council will henceforth urge the County Council to implement those powers where appropriate.

We will all hope, I am sure, that there will be some improvement in this very difficult situation soon.

And finally, may I remind you that the Annual Parish Meeting for Boylestone will be held at the Village Hall at 6:30pm on Thursday 25th April. This is an opportunity for parishioners to come along and have their say in the presence of Parish Councillors on local matters that are of concern to them. You will be most welcome to attend.

Also, if you would like to receive regular communications from the Parish Council on matters of interest, including agendas and minutes of Parish Council meetings, if you have not already done so, please email me at the address shown at the top of this letter to give your consent to this.

Kind regards,

Peter Bambury
Clerk to Boylestone Parish Council