

# STAUNTON ON WYE GROUP PARISH COUNCIL

7 September 2026

## Report of the Clerk Relating to A Complaint

### 1. Introduction

On 19<sup>th</sup> May a complaint was received about the Parish Council's approach, over many years, to the byway open to all traffic SY2A (Little London). The complaint appears in Appendix I.

This note is intended to help the Council decide how to respond fairly and reasonably.

### 2. Legal background

Wildlife and Countryside Act 1980, section 66(1) defines a byway open to all traffic as “a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.”

Thus BOATs allow vehicular use but they are distinguished from regular roads by being “mainly for the purpose for which footpaths and bridleways are so used.”

Section 54(7) of the same Act states “Nothing in this section or section 53 shall ... oblige a highway authority to provide, on a way shown in a definitive map and statement as a byway open to all traffic, a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles.”

This means that whilst local authorities are responsible for maintaining the surface of public rights of way, this does not imply maintaining it to the level suitable for vehicles. Local authorities, including Herefordshire, have made it clear that they regard maintaining it to the standard of a footpath or bridleway to be their principal responsibility, since that that is the purpose for which the public mainly use it.

[Herefordshire Council policy \(2023\)](#) states:

The surface is of a standard for travel by foot, horseback, pedal cycle or wheeled vehicles including mechanically propelled vehicles but is used by the public mainly for walking or for riding.

Where surfacing is provided (either unbound or paved), the surfacing material shall respond to the local landscape character and be of a type suitable for the usage allowed by the status of the public right of way, including periods of inclement weather.

Where there is a need to repair, this will be undertaken on a risk based and asset management approach, the basic repair will be undertaken.

If higher standard of maintenance is required contributions from the adjacent landowners will be sought.

Residents / landowners may request and wish to repair the surface themselves. The council will support where able. It is envisaged this will be in the provision of materials, this will be provided on a case by case and available resources, hence the need to maintain on character and usage.

It follows that BOATs will not be suitable for all vehicles, and that is a matter for drivers to decide

at their own risk whether to use them, and it also follows that driving unsuitable vehicles on BOATs in a way that damages the surface for horses or pedestrians would not be permitted. [Surrey County Council](#) explains: “Many byways are not suitable for normal vehicles and users are advised to check the conditions before starting driving. Damaging the surface of a byway, even when you are entitled to use it, may be an offence.”

The conclusion must be that there is no obligation on Herefordshire Council to make-up a BOAT to the standard of a vehicular highway, with the caveats of the Herefordshire policy, and that it is for users to decide whether their vehicle is suitable – bearing in mind whether the surface of the by-way may damage their vehicle, or their vehicle damage the surface of the by-way.

### **3. SY2A Designation as a BOAT**

Having talked to members who recollect the long history of concerns about the surface of SY2A it is clear that some believed SY2A to be an unadopted green lane or highway, or a private road, and therefore the responsibility (exclusively) of the owners or residents. If that had been the case there would be no obligation of any kind on the highways authority to maintain the surface.

There are indeed several unadopted highways/green lanes in the Parish but SY2A was not and is not one of them.

Herefordshire Council say that they have not found SY2A in the original (1950s) Parish submissions from which the original definitive map was constructed following the National Parks and Access to the Countryside Act 1949. Council officers believe it may have been added as a result of the 1972 review of the definitive map.

### **4. Parish Council Actions**

I have examined Staunton on Wye Parish Council minutes since 2019:

11 February 2019 - Broken drain on the Little London Road reported to Balfour Beatty.

22 March 2021 - 210603 –Little London –The meeting considered the application regarding the proposed change of use and raised a number of questions with the applicant

6 March 2023 – broken stile between Little London and Bulmers Orchard

29 April 2024 – Clerk asked to provide a copy of the rights of way map.

8 September 2025 – Drainage works: PV24 GWG Tree & Garden Care (Lengthsman, Little London drainage) £165.60

2 March 2026 – Considering an application for a Public Rights of Way Fund grant :

The Clerk reported that Herefordshire Council was encouraging a drainage application for SY2A, as a preliminary to restoring the surface of the highway. They had asked the Parish Council to undertake both tasks. He had approached the Lengthsman for a price. The Clerk indicated that the Parish Council's cash flow and insurance position introduced a high level of risk if it were undertaking repairs to the surface.

After discussion it was **RESOLVED** that, on receipt of an acceptable quote, the Clerk is authorised to make an application to the Public Rights of Way Fund to improve drainage on byway open to all traffic

SY2A (Little London), but that Herefordshire Council be invited to complete repairs to the surface of the highway.

18 May 2026 – Further considering an application for a Public Rights of Way Fund grant:

#### **2026/15. SY2A Little London**

Mindful of the discussion minuted above, the Council considered making an application to the Herefordshire Public Rights of Way Fund to allow the Lengthsman to complete drainage works at SY2A

Little London ahead of resurfacing work by Herefordshire Council. A price quotation from the Lengthsman

suggested the application be in the sum of £8,850 excluding VAT. The scheme depended on organising the

collection of field and highways run off into a ditch adjacent to Walnut Cottage and thence, via a private field

ditch of around 100 metres length, into a system of field drains. Earlier that evening the Council had visited

the site with the Lengthsman to inspect the extent of the works. The Lengthsman was present throughout the

discussion on this item, and answered questions.

The Clerk reported correspondence with Herefordshire Council and his efforts to secure commitments from Herefordshire Council to use the skills of their Floodrisk Team to model the surface

water drainage consequences of the proposal, and if not to offer to indemnify the Parish Council against

unforeseen consequences.

After discussion it was **RESOLVED** to make an application to Herefordshire Council's Public Rights of Way Fund as described by the Lengthsman but that:

(1) Herefordshire Council be invited to share with the Parish Council the results of their model of surface water drainage and the impact of the scheme on drainage expectations and flood risk, or to undertake as part of the funding award to grant sufficient to the Parish Council to allow it to employ drainage consultants to undertake such a study, and to make that payment even if the scheme does not proceed, and that no work on site can begin until there is a satisfactory assessment;

(2) that the Clerk approach the assumed owners and tenants of the private field drains upon which the scheme depends to ascertain their co-operation and approval;

(3) that the scheme depends on the regular clearing of the private drains between Walnut Cottage and the extensive field drainage system, and also regularly clearing of drains on the highway verge elsewhere on SY2A, and that an annual maintenance plan with associated budget will be necessary before the Council could undertake the project, understanding that the cost of maintaining SY2A and its associated drainage remains the highways authority's responsibility and is not the Parish Council's.

*David Thame  
Clerk, 2 September 2026*

## APPENDIX I – Complaint received 19<sup>th</sup> May 2026

Dear David

Further to the parish council meeting on the 18.5.26 as one of the parishioners affected, can I please place on record my disappointment at the way the issue at Little London would appear to have been dealt with over what I believe is the last 5 years plus. I have been resident in this village for just 18 months, and speaking to other residents and previous councillors they all advise me that this has been brought up many times before, and all the time they have been advised before by the parish council not their issue as it's an unadopted road and therefore not responsible to do anything.

In the last 6 months I have been speaking to Herefordshire Council highways and rights of way department, where very quickly it was confirmed the lane is a BOAT, and the ditches are also the council's responsibility. It would now appear the parish council have with reluctance had to accept this issue.

I was also amazed that some parish councillors on the site visit didn't even know how long Little Lane is, and also who owned the piece of land behind Walnut Cottage, and how bad the ditches were, which would also suggest that prior to the site meeting on the 18.5.26 the parish council have never been down there before to look, or done any investigation when raised before. This I believe also confirms the lack of importance the Council have in past years taken on the issue, and also some of the issues (majority) I would say is down to the parish council not taking issue seriously, or making enquiries as to ownership of lane the rights of way issue to resolve the issues in the past. However I also wish to put on record my thanks to Councillors Arthur and Shepherd who I know have worked on this for many years, especially when the previous occupant of Walnut Cottage was seriously ill. Moving forward I am happy to be corrected on any of the issues above, how I have been misinformed and, evidenced how I have been misinformed, and if not this would suggest the council knew all the above before. If my views above are correct and the issues were just ignored with no investigation as to the legalities then I would ask for acknowledgement from the parish council were wrong, and should have investigated more and taken more seriously, and sorry for all the hard work and stress this has caused the residents down Little London without even mentioning the damage to our vehicles and people not coming down to visit as they didn't want to damage their vehicles either. Moving forward I hope the parish council will from now on, when any issue arises do due diligence and speak to relevant professional people and bodies on the issue presented to them. Rather than just take what would appear to be the easy option of just saying something which they didn't know if it was true or not. Whilst I know you are all volunteers and I thank you for that, you are elected representatives, supposedly working for the benefit of the villagers and villages in your parish. With respect the parish council have far more resources to hand than a resident who has brought this to head, by just using due diligence and asking correct questions to the correct people. So certainly not what I believe to be the parish council's finest hour. Very frustrated resident but hopeful that now with the right guidance and new interest in the present issue and ongoing maintenance, and ownership of this matter this will very shortly be off the agenda for a long time once resolved satisfactorily. I look forward to your reply, after hopefully taking on board some of the complaints if found to be in order.

Please also take on board this is **NOT** a complaint about any individuals, but the bureaucracy and miscommunication if any between different levels of Herefordshire Council and Staunton on Wye Parish council and bad due diligence and ownership of the issue.

When reviewing the above, please take on board looking at it from our point of view, and the

damage to our vehicles, other peoples vehicles, and frustration with what appears to be non ownership by any party, and when doing so I am sure you would be frustrated, angry and annoyed.

Please take ownership as a body which also means taking ownership of the same body decisions in the past, as you now represent that body