

Hedges and Trees - Cut Back Toolkit

Further guidance:

How can a hedge be a hazard?

Overgrown hedges next to footpaths and roads pose a real hazard to people who are disabled or who are visually impaired, and young children or other pedestrians who risk injury or damage to their faces or clothing from thorns and branches. If the pavement (footway) is narrow or the obstruction is excessive, they may be forced into the road. This is particularly dangerous for wheelchair users or for people pushing a pram or buggy. On junctions and bends overgrown hedges may obstruct sight lines and the clear view of motorists. They may also obscure traffic signs or streetlights, increasing the risk of accidents.

The Council has a duty under the Highways Act 1980 to ensure that the highway is not obstructed. Even small overgrowths can be hazardous particularly to blind and visually impaired people who often use property boundaries as a guide, or when a footpath is narrow. It is also a requirement that anything overhanging a footway must be at least 2.2m above the footway, cycleway, verge and 5.2m above the road surface.

What will happen if I don't cut my hedge?

It is an offence under the Highways Act 1980 to allow trees, hedges, shrubs and so on to obstruct the highway. The Council will, after an initial informal request, serve a 21 Day Notice on you, the occupier, to cut back the offending vegetation. If you do not comply with the Notice, the Council may carry out the work itself and recover its costs in doing so from you, through the courts if necessary.

Good advice

- Cut back your hedges and trees etc to within your boundary or above the heights previously specified.
- Regularly maintain them so they do not become an obstruction.
- Seek advice if you have any doubts.

Ownership

Most disputes about the cutting of highway hedges and trees arise from establishing land ownership. In most cases properties adjacent to public highway include land either to the centre or across the whole width of the highway. This means that any offending hedge or

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tree (whether it borders or is located within the bounds of highways) will generally be the responsibility of the adjoining property owner or occupier.

Example letter:

NB. The letter may need to be amended to fit the situation

[Start

Dear Occupier

Overhanging hedge at your property

I would like to advise you that we have recently been contacted about the hedge on your property which is overhanging on to the footway and is causing an obstruction to pedestrian access.

I understand that you may not be aware that the hedge is overhanging and its hazard to pedestrians and I would therefore be grateful, if you are in a position to do so, to cut it back so as not to restrict access as soon as possible.

If you would like to discuss this matter further, or if you are not clear as to the extent of cutting back required, please let me know and I can arrange a visit to the property by a Parish Councillor.

Thank you for your understanding and co-operation.

Yours Sincerely,

Parish Clerk

End]

You may want to include the following in further correspondence:

I am sure you will understand that the Parish Council would prefer to resolve this matter with your co-operation and without the need to resort to formal action, including referring the complaint to the Highway Authority.

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