

OBSTRUCTIONS ON PUBLIC RIGHTS OF WAY:

HEDGES, TREES AND SHRUBS



in partnership with



**Nottinghamshire
County Council**



We believe a tree or hedge from your property is overhanging the public right of way.

Hedges and trees overhanging the path have the potential to cause real difficulties for users.

We request that you arrange for any overhanging vegetation to be cut back to your property boundary within 14 days.

This practical guide will help you to ensure that your trees and hedges don't continue to cause an obstruction and help you maintain them in the future.

HOW CAN A HEDGE BE A HAZARD?

Overgrown hedges next to paths pose a hazard to people who are disabled or visually impaired and young children or other pedestrians who risk injury or damage to themselves or their clothing from thorns and branches. If the path is narrow or the obstruction is excessive, they may be prevented from using the path, forcing them to use a long route around.

Not only can small overhangs cause an obstacle to routine maintenance such as grass cutting, it can also accelerate the deterioration of the surface by preventing it drying and encouraging more moss growth.

WHAT DO I NEED TO DO?

You need to cut back the hedge to your property boundary. It is possible that you have erected a fence which takes the hedge out of your garden, however this does not change the ownership of the hedge or your responsibility to cut it back. Urban paths may have a hedge on one or both sides. It is recommended to cut the hedge back beyond the surfaced edge to reduce the number of times that you may need to cut it – it could be two or more times a year.

You need to cut back any overhanging trees so that they are a least 2.5m above the footpath and 4m above a bridleway.

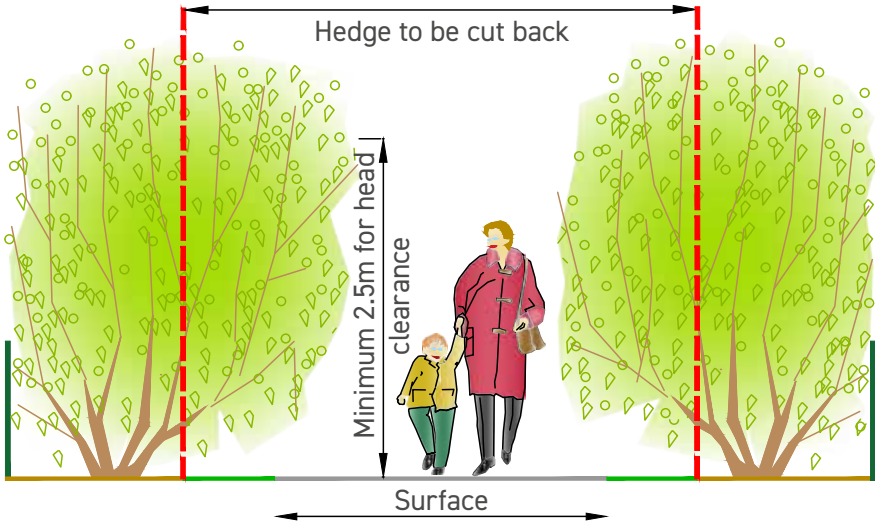
If you are unable to carry out the work yourself we recommend that you use an established gardener or tree surgeon to undertake the work for you

In the future, please ensure that your trees and hedges do not obstruct the path and, make sure you regularly check and cut back as necessary.

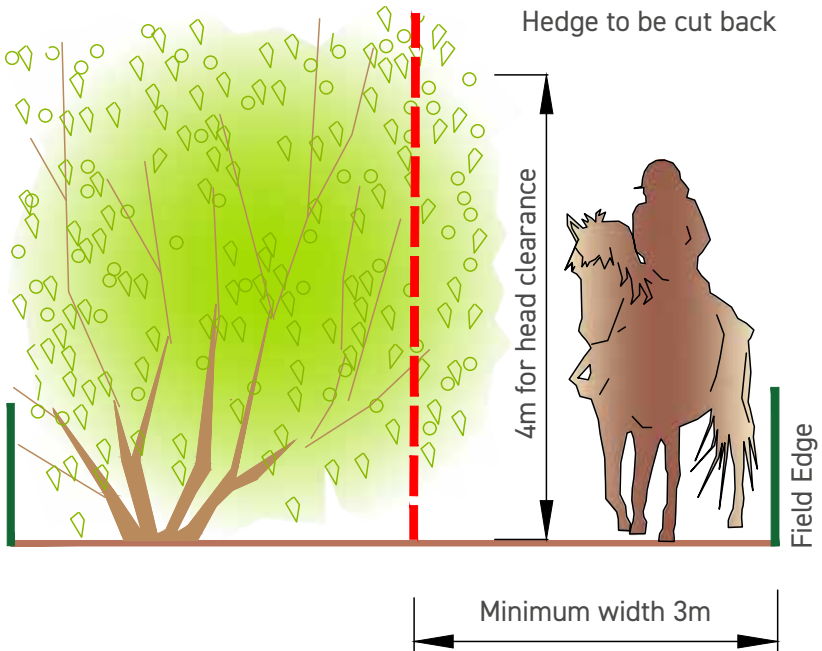
I'M A TENANT – SURELY IT'S NOT MY RESPONSIBILITY?

Usually the occupier of the property is legally responsible for this type of maintenance and it may be included in your tenancy agreement. If your tenancy agreement states that the landlord is responsible, it is your responsibility to contact them to ensure the work is carried out as soon as possible.

Footpath



Bridleway



IT'S THE WRONG TIME OF YEAR TO PRUNE MY TREE. CAN I DO IT LATER?

Most pruning to keep the path clear is minor and will not damage the tree or hedge. We always recommend regular maintenance, meaning we will not have to ask you to take action.

MY TREE IS SUBJECT TO A TREE PRESERVATION ORDER (TPO)

The Highways Act 1980 requires that trees and other vegetation do not obstruct the passage of users. If the tree is protected by a Tree Preservation Order (TPO) or growing in a Conservation Area you should consult the Borough or District Council for permission to carry out any tree works.

I'M WORRIED ABOUT NESTING BIRDS

Avoid cutting back hedges or other dense vegetation between March and August where possible, as nesting birds may be present. If you do have to cut your hedge during this period, check for nesting birds first and avoid damaging active nests and their contents.

WHAT WILL HAPPEN IF I DON'T CUT MY HEDGE OR TREE?

It is an offence under the Highways Act 1980 to allow trees, hedges, shrubs and so on to obstruct the highway. Following our informal request to you, if after 14 days the work has not been done, we will serve a 14 day notice on you to cut back the offending vegetation and recover the costs from you if you do not undertake the work in the timescale.

ADVICE

- ❖ Aim to cut your trees and hedges during the winter, and cut them back sufficiently so that you don't need to do it every year. You may need to do it again if the growth is excessive
- ❖ Regular maintenance can prevent them becoming an obstruction
- ❖ Seek the advice of a professional if you have any doubts
- ❖ Dispose of any cuttings in your compost, garden waste or at your local recycling centre. Do not leave them on the path or under the hedge
- ❖ When carrying out works within the highway please ensure that they are done so in a safe manner and consideration is given to other highway users
- ❖ For further guidance please contact the officer dealing with your enquiry or our Customer Service Centre on **0300 500 80 80**

If you would like this information in another format or language please contact:

Via East Midlands

Bilsthorpe Business Park,
Bilsthorpe, Nottinghamshire. NG22 8ST.



www.viaem.co.uk

