

# Don't let your hedge be a hazard



West Berkshire  
C O U N C I L

This leaflet outlines some of the dangers caused by hedges and trees overhanging the public highway and provides guidelines to help you understand why it's important to ensure that your own hedges don't cause an obstruction. It also outlines your responsibilities - and the Council's - towards pedestrians and road users.

## How can a hedge be a hazard?

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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 to ensure that the highway is not obstructed. Even small overgrowths can be hazardous*



## What should I do?

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Check your own trees and hedges. Are they overhanging the footpath or boundary of your property? Are they affecting visibility for road users? If so, cut them back (or arrange to have them cut back) as soon as possible.

## My hedge is on a junction but not overhanging the path. Do I need to cut it?

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Areas of visibility where sight lines need to be kept clear (known as visibility splays) often cross private properties at junctions or on the inside of bends. There is usually a restriction to planting over a certain height within these areas and this should be shown on your deeds. If you allow planting over a certain height within a sight line, the Council can require you to prune the shrubbery.

In some circumstances, even if a sight line was not designated at the time of construction of a property, road usage may have increased to such an extent that one is needed to improve road safety. In such cases the Council can require sight lines and visibility splays to be provided.

## My hedge and trees only overhang a small amount and my trees are above head height so why do I need to cut them back?

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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 2.3m above the footway, cycleway, verge and 5.3m above the road surface.

Even small overhangs can accelerate the deterioration of a road or pavement surface, by preventing it drying out and encouraging moss growth. Overhanging shrubbery can also be an obstacle to routine road maintenance work, such as sweeping, grass cutting, litter picking and resurfacing, because machinery cannot get to the edge of the highway.

## I have been asked to cut back my tree from the streetlight installed only a few years ago. The tree was there first Why should I prune it?

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Street lighting is installed to improve road safety and while the Council tries to place columns where they cause minimum inconvenience to residents, it is not always possible to avoid putting streetlights close to trees. It is essential that trees do not impair the operation of the lights and reduce their effectiveness. The Council requires such trees to be pruned by the owner or occupier.

## I am not the owner but a tenant of the property. Surely it is not my responsibility?

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So far as the law is concerned the occupier is usually responsible for this sort of maintenance and, in addition, tenancy agreements often include routine maintenance. Even if your tenancy agreement states that the landlord is responsible, you would be required to contact him/her and ensure that pruning is carried out as soon as possible.

## It is the wrong time of year to prune my tree. Can I leave it until later?

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Most pruning to clear the highway is minor and will not damage the tree regardless of the time of year. It is recommended that pruning is carried out to a high standard and we can provide a pruning

advice leaflet and list of tree surgeons along with further advice if required. Please telephone Customer Services on **01635 519080**.

If trees and shrubbery are regularly maintained to within your property boundary there will be no need for the Council to ask you to take action.

We may be able to arrange the work at a reasonable cost. However, as the owner or occupier, you are responsible for ensuring vegetation from your property does not obstruct the highway.

### **What happens if the tree is subject to a Tree Preservation Order (TPO)?**

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The Highways Act 1980 aims to protect the public from unnecessary hazards and is not subject to restrictions imposed by TPOs. In Conservation Area's however, it is advisable to seek advice about tree surgery from the Council's Tree Officer.

### **I am a pensioner and can't prune my hedge myself. I can't afford to pay anyone else to do it so what should I do?**

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Contact the Council Officer whose name is on any letter or notice that you have received and explain your circumstances. If you do not have a contact name, please contact Customer Services.

We may be able to arrange the work at a reasonable cost. However, as the owner or occupier, you are responsible for ensuring vegetation from your property does not obstruct the highway.

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

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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 it's costs in doing so from you, through the courts if necessary.

### **Good advice**

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

We are happy to discuss any problems with you. To contact us, please telephone Customer Services on:

**01635 519080**

We are committed to being accessible to everyone. If you require this document in an alternative format or translation, please call Customer Services on Telephone 01635 519080.

#### **West Berkshire Council Transport & Countryside**

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