

Don't let your hedge or tree become a hazard!

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.

What should I do?

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

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

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 hedges/tress. Can I leave it until later?

Most pruning to clear the highway is minor and will not damage the hedges or trees regardless of the time of year.

It is recommended that any pruning/cutting is avoided between March and August as this is the main breeding season for nesting birds. It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It will be an intentional act, for example, if you or your neighbour know there is an active nest in the hedge and still cut the hedge, damaging or destroying the nest in the process.

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 County 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 to or above the heights previously specified.
- Regularly maintain them so they do not become an obstruction.
- Seek advice if you have any doubts.

Trees in Foxton Conservation Area

link to map <http://bit.ly/foxttonmap>

Please remember that if you want to carry out any tree work and your property lies within the Foxtton Conservation Area (see map link) then you **MUST** give South Cambs District Council six weeks written notice before work begins. If you are also undertaking works to a tree with a Tree Preservation Order, all tree works can be included on one form, provided the required information is supplied. Contact the South Cambs District Council Duty Planning Officer on **0345 045 5215** for further information.

Foxton Parish Council