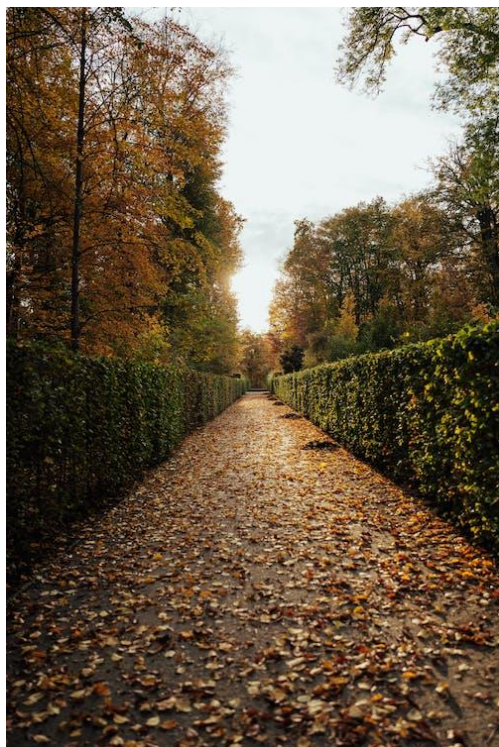
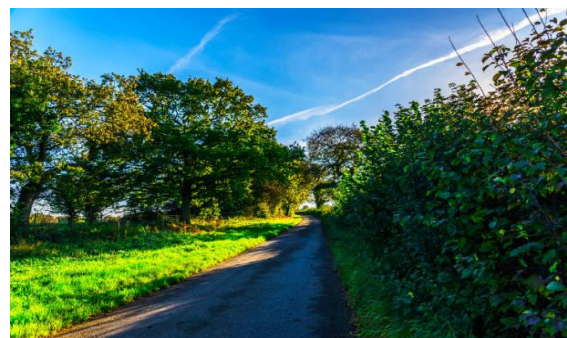




Northumberland
County Council

A Guide for Land and Property Owners Responsibilities for Hedges, Trees and Verges within the Highway



Northumberland
County Council

www.northumberland.gov.uk

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1. Introduction

As a Highway Authority, Northumberland County Council is responsible for maintaining over 5,200 kilometres of highways and associated structures, such as bridges, retaining walls, footpaths, signs, streetlights, gullies, grass verges etc. Most of our residents use our transport network on a daily basis, driving to work, walking to school or local services and cycling around our beautiful countryside. We want the highways asset to support our corporate commitments ensuring that it: drives economic growth, tackles inequalities and delivers value for money. We therefore aim to manage the county's highway network in a way that ensures it is safe, reliable and resilient and that we deliver the best value for money from every pound spent on its maintenance. This approach includes working with land and property owners to ensure that they are maintaining their land so that it does not adversely affect the safe use of the highway, for example due to overgrowing vegetation blocking visibility or obstructing safe passage on a footway. Where necessary the Council will use its powers as a Highway Authority to take formal action to ensure landowners comply with their maintenance obligations.

This guide is produced by Northumberland County Council to help provide advice and guidance to land and property owners regarding their management and maintenance responsibilities for vegetation (including trees, shrubs, hedges) growing on their land which, due to its proximity to the adopted Highway, may interfere or endanger the safety of highway users if not maintained properly.

In this guide reference to 'highway users' includes but is not limited to pedestrians, cyclists, horse riders, motorcyclists and other motorised vehicle drivers. Reference to 'landowner' includes property owners, homeowners and occupiers where they have maintenance obligations through ownership, tenancy or lease.

2. Hedge Cutting Adjacent to the Highway – Landowner's Responsibilities

Many hedges that are adjacent to the Highway are the responsibility of the adjoining landowner or occupier. It is the duty of the landowner to manage these hedge lines.

When working on the highway the person responsible for the work, or their contractor, must have Public Liability Insurance cover for working on the highway for a value of £5 million.

Vegetation should be cut back to maintain the minimum required clearances for roads and footways:

- 5.2m height clearance for vegetation overhanging roads
- 2.1m height clearance for vegetation overhanging footpaths
- 2.5m height clearance for vegetation overhanging cycleways.

2.1 Maintenance Requirements

All landowners have a duty of care to ensure hedges and trees adjacent to the highway must not be allowed to interfere with the safe use of the highway by vehicles, pedestrians, and cyclists.

Overhanging branches or hedges which obstruct passage or visibility or impair the effectiveness of streetlights and signs should be lopped or trimmed. Hand trimming techniques should always be used around traffic signals.

Landowners have a duty of care to take the appropriate action to ensure that dead, diseased or damaged hedges that could impact on the Highway are managed.

Northumberland County Council may, if necessary, serve notice on landowners requiring them to undertake maintenance to any vegetation that is interfering or endangering the safe passage of vehicles or pedestrians on the Highway. This notice would be under section 154 of The Highways Act 1980. The Council can adopt this approach for hedges, trees and shrubs. If the landowner fails to comply with a notice, the Council may carry out the work required and recover the expenses it has reasonably incurred from the landowner.

2.2 Preparation for working on the Highway

If you intend to undertake hedge or vegetation cutting using the Highway. Signs should be erected well in advance of the work in both directions. When a long section is being cut, additional intermediate signs are needed.

See '*Safety on the highway*' for advice on the correct signage that should be used.



2.3 Hedge Cutting

Under the Highways Act, roadside hedges are the responsibility of the landowner who has to:

- prevent the hedge from overhanging the highway
- prevent hedges from obscuring streetlights and road signs
- clear the road of debris after hedges have been cut
- meet the obligations of the Wildlife and Countryside Act 1981 ensuring that nesting birds, bats and dormice are protected.

If we consider that a hedge interferes with safe use of the highway and you do not take action to cut it we can serve a formal notice under s154 of the Highways Act 1980 that requires you to undertake the necessary maintenance.

Hedge cutting should be carried out ensuring that cuttings are completely cleared from the highway during the operation and once the operation has been completed.

If not cleared and removed immediately they can cause great difficulty and potential danger for all road users, particularly cyclists and animals. There is a legal obligation in the 1980 Highways Act under Section 149 to this effect.

Northumberland County Council recommends trimming hedges in January and February to ensure that nuts and berries are available for birds and other wildlife. Trimming should not take place during the main bird breeding season of March to July unless it's unavoidable for road safety.

Where possible roadside hedges should be cut on a one to three cycle. If the hedge has to be cut every year for visibility or drainage you should consider only cutting the top of the hedge once every two or three years. The Natural England Environmental Stewardship Scheme provides opportunities for farmers to be rewarded for sensitive hedgerow management.

On major routes we will cut hedges on the inside of bends and at junctions to maintain visibility.

The Hedgerow Regulations 1997 state it is an offence to remove a hedgerow or section of hedgerow without notifying your local planning authority.

[Hedgerow Regulations 1997](#)

For hedges in urban areas that run alongside footpaths/pavements then the property owner should ensure that the hedge does not encroach upon/over the footpath and to regularly cut the hedge to maintain the boundary line to ensure unobstructed and safe passage by pedestrians etc.

2.4 Overgrown vegetation/trees letter

If we identify an obstructive hedge or potentially dangerous tree on your land we will send a letter saying what work you need to carry out to make the vegetation safe as stated in The Highways Act 1980. If you don't deal with the obstruction we may do the work and claim back the cost from you.

The government is committed to encouraging people to cycle and walk as an alternative to car use. The Council is committed to continue to deliver improvements for walking and cycling on the network. Families and cyclists of all abilities who use these lanes and cycleways frequently suffer punctures when cuttings are left on the surface. Repairs may have to be carried out in winter weather and/or in the dark, taking considerably longer and thus endangering the public and discouraging the use of cycles. It is therefore important that cuttings are properly cleared away after maintenance is undertaken.

2.5 Damage to drainage systems

If, when doing hedge works, the drainage channels from the roadside to the main ditch (known as "grips") are damaged by tractor wheels they should be repaired or re-opened. Similarly, if grips or ditches look likely to become blocked from cuttings they should be cleared.

3. Trees

Trees improve the environment and provide an excellent habitat for wildlife. However, landowners have an obligation under the Highways Act to ensure that the trees on their land do not endanger highway users. Landowners should therefore:

- Carry out regular checks of trees on your land that might fall onto the highway and arrange for any necessary tree surgery work
- Ensure that trees overhanging the highway don't cause an obstruction to the normal passage of vehicles
- Plant trees in hedgerows where they won't be a danger to road users
- Remember that you might need permission to lop a tree covered by a tree preservation order.

A tree becomes a hazard when it has a structural defect that may cause the tree, or a portion of the tree, to fall and injure people or damage property.

Overhanging trees must allow 5.41metres (17ft 9 inches) headroom above carriageways, footways and cycleways. There must be no new planting within 4.57 metres (15ft) of the carriageway centre.

3.1 Clearances on the Highway

Where possible the following clearances must be maintained by landowners and homeowners:

- 2.4 metres over pedestrian accesses
- 3 metres over cycleways and bridleways
- 5.2 metres over road carriageways.

The diagram below shows the extent of the Highway and the names of the different components which can make up the highway.



Working on the Highway Verge

It is an offence to deposit objects on highway verges which could cause an obstruction or hazard.

- Don't leave farm materials on highway verges
- Don't place stones on the verge to prevent parking
- Don't drive on the verges as this may damage easements, ditches and grips.
- Driving on verges may harm wildlife and bring mud onto the road
- Park all machinery off highway verges and away from sight lines
- Find out if any verges alongside your land are protected for their special wildlife value.

4.1 Cutting of grass verges by farmers

Northumberland County Council maintains the roadside verges in an environmentally conscious manner, to ensure that the wild flora and fauna are protected.

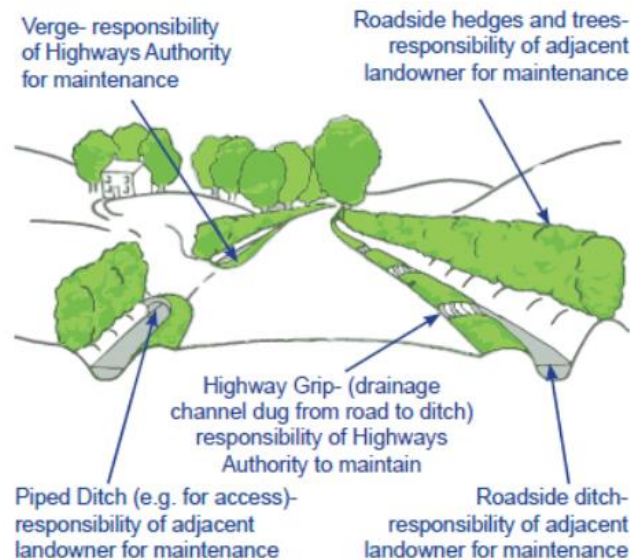
There is no objection to farmers cutting grass verges subject to the following conditions stipulated by Northumberland County Council:

- Protect the safety of the travelling public.
- Safeguard the flora and fauna and ensure that sections of the verge are retained in good condition. This is best achieved by the following guidelines:
 - Do not apply herbicides.
 - Do not apply inorganic fertiliser or slurry.

- iii Time the cutting of grass to allow wildflowers to set seed.
- iv Grass cut for silage should be wilted and turned.

4.2 Ditches and drains

Ditches on land near the highway which take water from the road are your responsibility.



We may sometimes have to take measures to drain the water from the highway on to adjacent land. If this affects you the Council may be able to pay compensation for any damage caused by the work.

Landowners should regularly clean the waterways on their land in areas where they drain the highway. Headwalls and grills should also be checked regularly.

5. Vehicle safety requirements

5.1 Secure loads on vehicles

Trailers and muck spreaders passing along the road should not be loaded to the extent that vibration causes them to overflow. The load carried must be properly secured so as not to cause danger.

5.2 Wide vehicles

Do not use vehicles that are too wide for the road. Overrunning of verges causes mud to spread onto the road, breaks up the edges of the road and damages drainage systems. Northumberland County Council as a Highways Authority has powers to claim compensation from any person causing extensive damage to a highway by vehicles of excessive weight or width passing along it.

5.3 Conditions relating to the width of agricultural vehicles travelling on the Highway

- a. If the width of an agricultural motor vehicle exceeds 3 metres, and the whole or part

of the journey to be made by the vehicle will be on a road which has a speed limit of 40 mph or less or will cover a distance exceeding 5 miles:

- The operator of the vehicle must give 24 hours' notice to the police
 - The maximum permitted speed of the vehicle is 20mph.
- b. If the width of an agricultural motor vehicle exceeds 3.5 metres, at least one person other than the driver shall be employed to warn other drivers of the presence of the vehicle on the road.
- The maximum permitted speed of the vehicle is 12mph.
- c. The overall width of the vehicle must not exceed 4.3 metres.
- d. 16-year-old drivers holding a category F licence are restricted to driving a tractor with a maximum width of 2.43 metres.

5.4 Slow moving vehicles

Drivers of slow-moving vehicles on main roads should remain aware of any tailbacks they are causing and, when appropriate and safe to do so, should pull in. On dual carriageways, amber flashing beacons must be used to warn traffic of the presence of slow vehicles. It is, however, strongly recommended that they are used on other roads as an additional warning / safety feature. Avoid using the roads during periods of heavy traffic, if possible.

6. Safety on the highway



Working on or adjacent to the highway may impair the safety and free movement of vehicles and pedestrians. You should take all reasonable steps to ensure the effects of the works are reduced to a minimum through proper signing and guarding.

Farmers and agricultural contractors, when carrying out works within the highway such as hedge cutting, cleaning out ditches, cutting of grass verges etc., should inform the Council's Highway department, who will give you advice on the appropriate type of signing and on the basic requirements for vehicles being used. In general:

- Any work you need to do on the public highway, such as hedge cutting or ditching, should be done in accordance with the recommendations at Chapter 8 <https://www.gov.uk/government/publications/traffic-signs-manual> of the Traffic Signs Manual

- The necessary warning signs must be in place before you start work and must be removed when the work is finished
- Signs should be placed in advance of the work and visible on every approach to the area.

Signs are available from your local builders' merchant or hire shop.

7. Road Safety Signage

7.1 Warning signs

- Erect the necessary warning signs before you start any work that will affect the highway, but make sure you remove them on completion of the work
- Ensure that all signs placed on the highway are self-supporting and weighed down to prevent them from being blown over
- Ensure that all signs are clean
- Put the signs in place well in advance of the work and ensure that they are clearly visible on every approach to the affected areas
- Only authorised signs should be used.

7.2 Signs and warning equipment on vehicles

- Vehicles working on the highway must use an amber flashing beacon mounted so that it is clearly visible at all times to traffic from any direction, whether the vehicle is in operation or stationary
- Where fitted, keep lights clean and in proper working order and use dipped headlights during the day to help warn other road users
- To get a clear view of the road and vehicles behind you, fit an effective offside rear-view mirror
- Work in the direction of traffic only.

7.3 Signage for work being carried out on the road

The following warning sign denotes work being carried out on the road. A fixed plate below should indicate the type of work e.g. hedge cutting, grass cutting, weed spraying, men working etc.



7.4 Signage for hazards on the road

The following warning sign denotes a hazard on the road. A fixed plate below should indicate the type of hazard e.g. mud on road, cattle etc.



7.5 Personnel

When working on the Highway all personnel should wear reflective high visibility clothing.

8. Deposits on the Highway

8.1 Mud, soil, water on roads

Mud on the highway deposited by agricultural activities, development sites etc can compromise road safety for all road users. Landowners are responsible for mud and water running off fields onto roads and can be required to undertake work to prevent this from occurring and to remove any mud/detritus from the highway surface.

Further information is available online:

[Rules for farmers and land managers to prevent water pollution - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution)

Who to contact?

Email: highwaysandneighbourhoodservices@northumberland.gov.uk

To report a problem: [FixMyStreet \(northumberland.gov.uk\)](http://www.northumberland.gov.uk/FixMyStreet)

Telephone: 0345 600 6400

Northumberland County Council's website:

<https://www.northumberland.gov.uk/Home.aspx>