



# Roadside hedge and tree management



# General

Hedges are a unique part of the Torbay environment. Established over many hundreds of years for agriculture,

hedges are now greatly valued for their ecological, historical and amenity importance. They form part of the living history of the landscape and create a dense web of wildlife habitat. Roadside hedges and trees are particularly important, being the most visible to those travelling around Torbay. From a practical viewpoint, they can help prevent problems such as soil erosion and proper management is important for road safety.

Consequently, this resource needs to be carefully maintained. This leaflet provides guidance on how this might be achieved.

## Who is responsible for their maintenance?

Many hedges and trees grow on the edge of the highway and mark its boundary with private property. In such cases it is the responsibility of the adjacent landowner or occupier to properly maintain them. This also applies to trees that overhang the highway or those which may fall on to it.

Torbay Council will maintain all trees growing within highway limits, with the exception of those planted under special licence.

## Legal requirements for maintenance

The Highways Act 1980 (section 154) empowers Torbay Council, as the

Highway Authority, to protect the safety of highway users by ensuring that owners and occupiers carry out

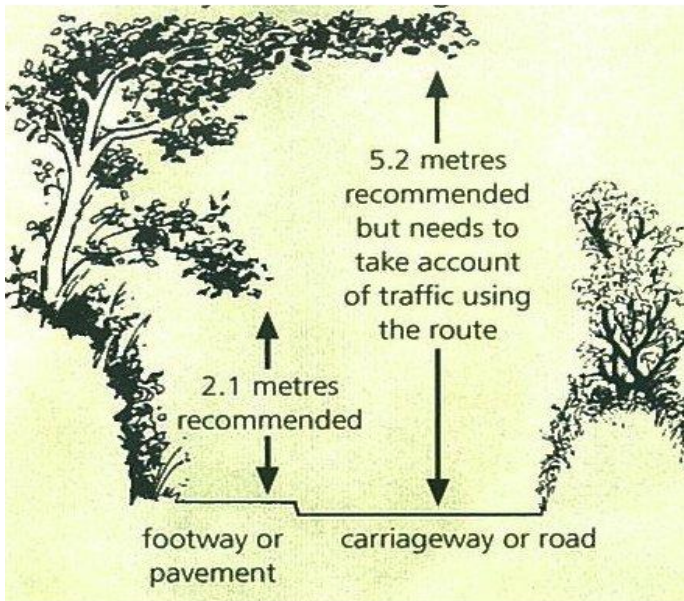
their legal duties in respect of roadside hedges and trees.

Owners/occupiers of land and property are required to maintain hedges, shrubs and trees vertical to their boundaries

and to give a minimum height clearance of 2.1 m over footpaths over road to a height to accommodate vehicles which normally use same. Also:

- trim roadside hedges to maintain visibility for road users, particularly at junctions and on the inside of bends
- trim any hedge that directly abuts a road, footway, cycleway or public right of way so that growth does not prevent the passage or affect the safety of the highway user, including cyclists and pedestrians
- remove dead or decaying trees and
- other growth that may fall across the highway

- remove branches and other growth that may prevent the passage of high sided vehicles or obstruct light from a public lamp (street light)
- ensure the highway (including the footway and drainage features) is



left clear of debris from the cutting operations (section 148)

## Who undertakes the work?

It is easier for all concerned if landowners/occupiers maintain their own trees and hedges to a good standard, in accordance with the Highways Act. The council may also cut some hedges in advance of road treatment work, or in front of drainage features and road signs. Despite the council doing this work, owners and occupiers are not relieved of their responsibilities.

## What if the landowner/occupier fails to undertake the work?

The council makes every effort to encourage owners and occupiers to cut their hedges, and will work closely with local people to identify occupiers who neglect this work and remind them of their responsibilities.

Where roadside growth is becoming a problem, the council may serve a Notice on the owner/occupier requiring the necessary work to be completed within a stated period. Failure to comply may result in the council undertaking the work and claiming the cost incurred.

## Timing of work

Hedge and tree maintenance can be a time consuming operation that needs to take into account ground conditions, agricultural land use, wildlife and

highway safety. Where road safety is not jeopardised it is recommended that maintenance is carried out during January to March for the following reasons:

- it reduces the chance of disturbance to breeding birds. Nesting birds and other species such as bats and dormice are given legal protection under the Wildlife and Countryside Act
- most plants will have finished flowering and seeding

- most autumn fruits and berries will have been taken by birds and other wildlife
- it is likely that there will be less traffic on the roads, reducing congestion and delays.

## Further advice on hedge maintenance

It is recommended that:

- where hedges do not need to be cut for safety reasons and are not dominated by fast-growing species such as ash, sycamore or willow, they are trimmed every two or three years, as appropriate
- even where side-trimming is necessary, the hedge top or field side is not cut annually
- routinely cutting back to the same point is avoided. Encouraging new shoots and branching 'lose to the base of the hedge helps to produce dense growth - ideal for stock control and wildlife
- hedgebanks are not cut bare, otherwise they might dry out or be vulnerable to frost, and archaeological features and plant life may be lost or damaged
- where a hedge is over-mature and losing vigour or gaps are appearing, it is layed or coppiced, but some trees should be retained
- elsewhere, hedgerow saplings and trees are also left (or planted) at varying intervals and allowed to mature

- herbicides are not used to control or remove general hedge growth

## Hedgerow removal

The Hedgerows Regulations 1997 control the removal of hedgerows through a system of notification.

Under the Regulations it is an offence to remove a hedgerow or section of hedgerow without notifying the local planning authority. For more details contact Torbay Council

## Further advice on tree maintenance

It is recommended that:

- regular inspections of trees are commissioned by the owner/ occupier and are undertaken by an expert if necessary
- consultation is undertaken with the local council before pruning or tree felling, as their consent may be required if the tree is protected, or within a conservation area
- dead or decaying limbs and trees that might otherwise fall across the highway are removed
- where possible, the hedgerow saplings are tagged and trees are left at varying intervals and allowed to mature. Such trees, if carefully selected and managed, will grow safely to enhance the general landscape

- saws are used to remove well established woody growth and larger branches, for the formative pruning of trees, and for raising the canopy/crown of hedgerow trees
- branches should be lopped, ideally between January and March, to give adequate clearances over carriageways, footways and cycleways

## Further advice on safety at roadworks

All works on the highway should be undertaken safely and in accordance with the recommendations contained in Chapter 8 of the Traffic Signs

Manual, and the appropriate warning signs placed in prominent positions at each end of the section being cut, and at any junctions.

It is also recommended that:

- flail mowers are mounted on the left hand side of the tractor so that the tractor can cut with the flow of the traffic
- the work is undertaken in good visibility and in daylight
- the work is undertaken when traffic flows are minimal, reducing congestion and delays
- consideration is given to employing specialist/qualified contractors when undertaking work of this nature
- those responsible for the work, or their contractor, have Public Liability Insurance cover suitable for working

on the highway.

- equipment is well maintained and in good condition and does not throw debris into the path of traffic or other highway users
- the highway, including footways, cycleways and drainage features, is left clean of debris.

## Who to contact for further information

If you wish to obtain more information or have a question regarding the contents of this leaflet, contact Torbay Council's Highways department via email:-

[highways@torbay.gov.uk](mailto:highways@torbay.gov.uk)

If you wish to plant trees or shrubs in a highway verge, please contact the Highways department and they will consider if granting a licence is appropriate. They will need to assess the suitability of the location, your proposal and safety issues, such as the effect on visibility for road users. Please remember you may be asked to be responsible for the future maintenance of what you plant.

### Please note:

High hedge problems between neighbouring properties should be addressed to Planning and Development Services, Town Hall, Castle Circus, Torquay, TQ1 3DR