

## **Vegetation and Trees Overhanging the Highway – Guidance**

### **Responsibilities**

The owner or occupier of a property has a legal responsibility ([Highway Act 1980 s154](#)) to ensure that the 'public highway' adjacent to a property is not obstructed by vegetation from their property.

Suffolk Highways as the Highway Authority also has a legal duty to ensure that landowners and occupiers recognise their responsibilities to keep the public highway clear of their own vegetation for the benefit of all highway users; whether they are drivers of vehicles, cyclists, equestrians or pedestrians, which include pram and wheelchair users, and those with mobility and visually impairments. We do this during regular safety inspections and investigating reports received from members of the public.

The public highway is defined by law as consisting of any verge, footway, carriageway, bridleway or footpath that is maintained at public expense and over which the public has a right of way. Elements other than the road and footpath also include traffic signals, street lights and some road signs that must be clear and unobstructed.

### **How vegetation and tree issues are addressed**

As well as identifying locations through regular inspections and reports from individuals about vegetation obstructing the highway, Suffolk Highways also enlists the help of Town and Parish Councils. Town and Parish Councils can help to identify locations where problems exist and also seek local co-operation from landowners or occupiers to deal with any overhanging, vegetation, hedges and trees. If a landowner or occupier's co-operation is not gained, Suffolk Highways will consider formal enforcement action.

When Suffolk Highways becomes aware of obstructions caused by vegetation or trees on private land, we will advise the property owner or occupier of the problem – either directly or via Town and Parish Councils. This may sometimes be raised with an owner/occupier even if the vegetation only overhangs the pavement/roadway by a small amount - this may seem excessive, but we must draw a line somewhere. It is easier for all concerned to use specified rules.

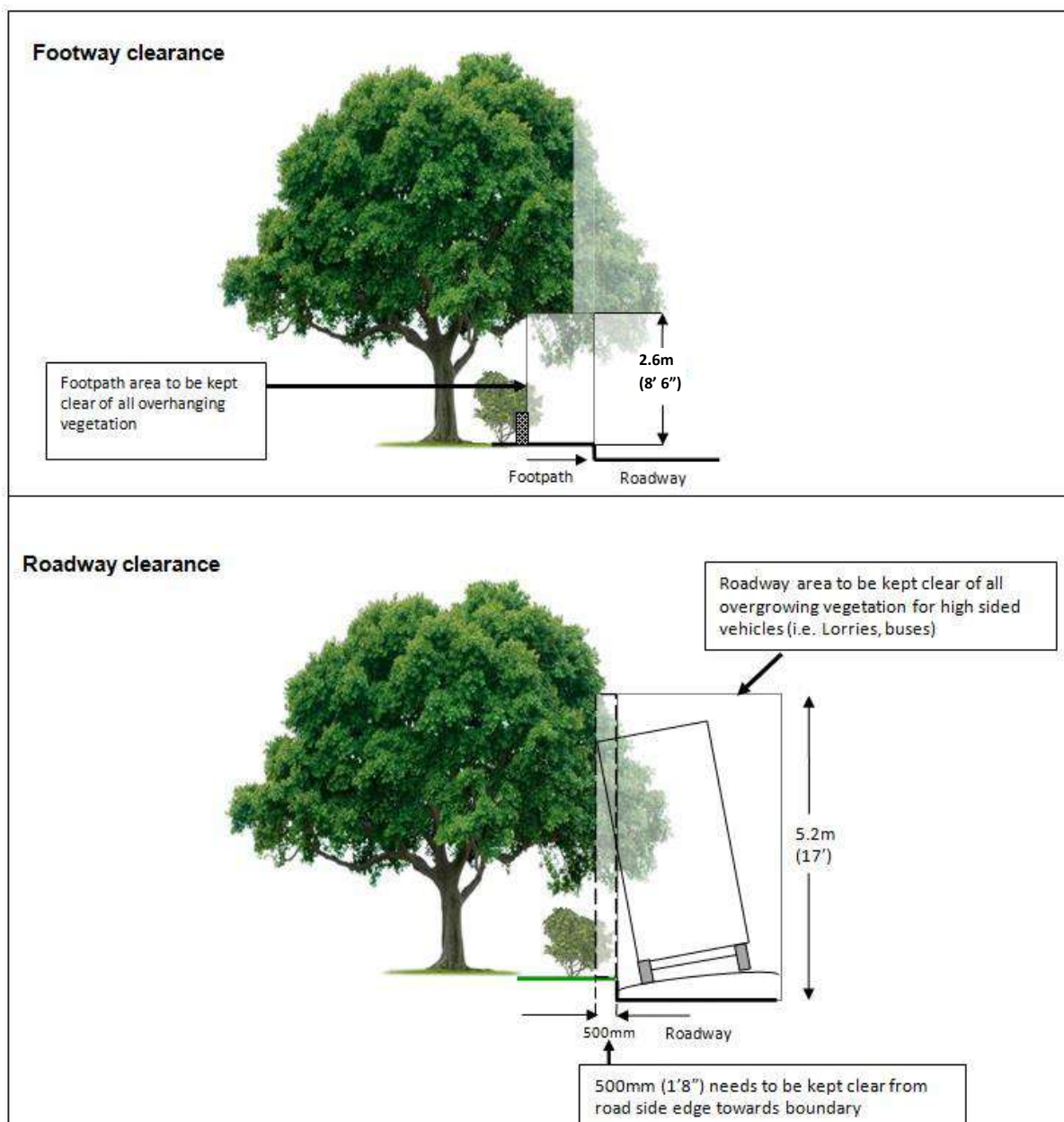
If the owner/occupier does not take corrective action within a reasonable time, Suffolk Highways will issue a formal notice for the work to be undertaken. If this formal notice is ignored and action is not taken, Suffolk Highways will organise the undertaking of the work and seek to recover the costs from the owner/occupier.

## The requirements

Although the Highways Act 1980 doesn't specify any actual measurements for overhanging vegetation, Suffolk Highways has identified minimum requirements:

- For pedestrian areas, minimum headroom of 2.6m (8ft 6 inches).
- For carriageway and an area immediately adjacent to it (for a distance of 0.5m (1ft 8 inches) minimum headroom of 5.2m (17ft).

In both cases, all the vegetation should be cut back vertically. See the diagrams below



## **What is the situation if my trees are protected?**

For the purposes of this advice leaflet a protected tree is one that is subject to a Tree Preservation Order or growing in a Conservation Area. One of the exemptions for the need to submit a formal application (for trees subject to a Tree Preservation Order) or a 'Notice of Intent' (for trees growing in a Conservation Area) is where the work involves 'the cutting down or cutting back a tree in line with an obligation under an Act of Parliament'.

Provided that only the minimum amount of pruning is being carried out to comply with the requirements of the Highway Act 1980, in other words the pruning is directly required to maintain adequate clearance over a footpath or road, then a formal application (for trees that are subject to a Tree Preservation Order) or a 'Notice of Intent' (for trees that are growing in a Conservation Area) is not required.

This exemption applies irrespective of whether the highway authority has served notice on the owner/occupier to carry out the clearance work. The pruning should be carried out to currently acceptable arboricultural standards.

If an owner/occupier wishes to carry out work more than the minimum required (for example to prune branches growing over their own property) they will need to submit a formal application or 'Notice of Intent' for the additional work. While not a legal requirement, owner/occupiers should inform the [Borough or District Council](#) (in their role as the Local Planning Authority). This will give the opportunity to confirm that the trees are protected and enable a note to be put on the tree register to help allay any misunderstandings.

## **Bird nesting season**

It is the responsibility of owner/occupier to ensure that they or their appointed contractor complies fully with the requirements of the [Wildlife and Countryside Act 1981](#) and [European Habitats Directive 2009/147/EC](#) when undertaking works on vegetation between 1st March to 31st July. This period is known as the 'bird nesting season'.