

Hedge & Tree Cutting – landowner responsibilities

The Highways Act 1980 and Wildlife and Countryside Act 1981 oblige owners or occupiers of land to:

Ensure Highway Safety:

- hedges and trees do not cause an overhang hazard or otherwise obstruct the highway;
- growth from hedges and trees do not restrict visibility of road signs and street lights; and
- clippings from hedge cutting activities do not cause a highway hazard.

Protect Wildlife:

- nesting birds bats and other wildlife and not disturbed by hedge cutting activities;

Ensure Highway Safety

Landowners and occupiers whose hedges run alongside the highway are responsible for the maintenance of the hedge. Failure to adequately maintain a hedge and prevent a hedge from interfering with the use of the highway may result in a formal notice being served by the local authority requiring action.

Landowners are responsible for trees on their land and are required under the Highways Act to ensure that trees are not a danger to anyone using the highway. If a tree or branch falls onto the highway the landowner is responsible for its removal and could face liability if the fallen tree or branch causes an accident.

When carrying out cutting or trimming activities on a roadside hedge health and safety considerations are paramount. Ensure that hedge maintenance contractors have adequate insurance as operators and/or landowners/occupiers could be held liable if an accident is caused which arises from the negligent or careless actions of the operator.

Protect Wildlife

The months of March through to the end of July is the breeding season for birds and as far as hedge cutting is concerned is considered a closed season and unless there exists unavoidable health and safety concerns hedge cutting during this season should be avoided. Ideally, as birds and other wildlife feed off berries and nuts during the winters cutting should also be avoided in the first couple of months of the year. Under the Hedgerow Regulations 1997 it is an offence to remove any part of a hedgerow, without the necessary planning consents.

References

www.legislation.gov.uk/ukpga/1981/69/section/1

www.legislation.gov.uk/ukpga/1980/66/section/154

www.legislation.gov.uk/uksi/1997/1160/regulation/5/made