

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

### **Responsibilities**

The owner/occupier of a property/land has a legal responsibility under the Highway Act 1980 S154 to ensure that the public highway is not obstructed by their vegetation. Suffolk County Council (SCC), as the Highway Authority, has a legal duty to ensure that the owner/occupier understands their responsibilities to keep the public highway clear of their vegetation for the benefit of all highway users; this includes drivers of vehicles, cyclists, equestrians, pedestrians (including pushchair users), and those with mobility and visual impairments.

The public highway is defined by law as consisting of any verge, footway, carriageway, bridleway, cycle track or footpath that is maintained at public expense and over which the public has a right of way. Traffic signals, streetlights and road signs must also be kept clear and unobstructed.

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

As well as identifying locations, through regular inspections and reports from individuals, regarding vegetation obstructing the highway, we may enlist the help of Town and Parish Councils. Town and Parish Councils can help to identify locations where problems exist and seek local co-operation from owner/occupiers to deal with any overhanging vegetation, hedges or trees. If the owner/occupier's co-operation is not gained, we will consider formal enforcement action.

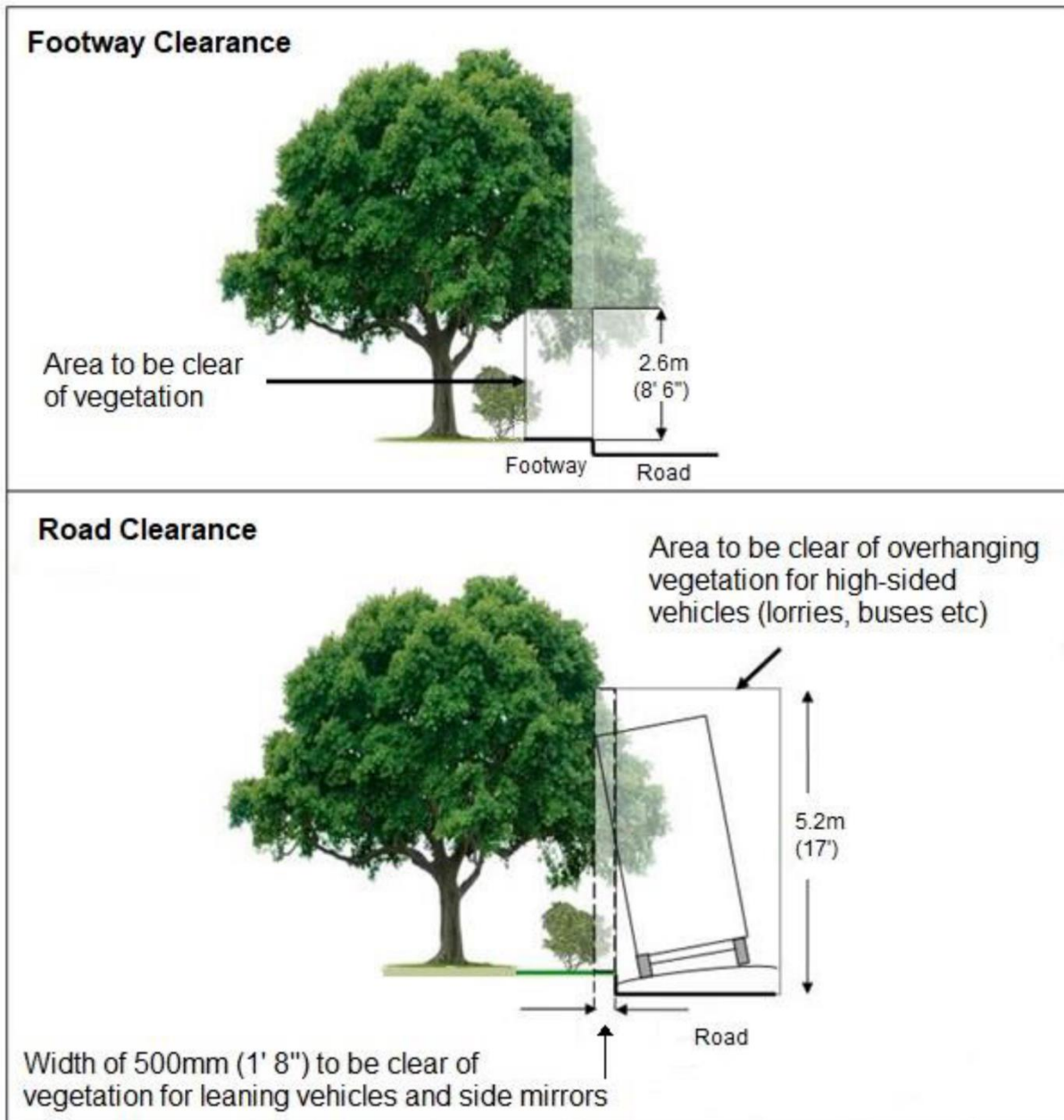
When we are made aware of such obstructions, a letter will be sent to the owner/occupier notifying them of the problem and how this needs to be resolved. These can also be issued even if the vegetation only overhangs by a small amount as the vegetation may become a future issue. If the owner/occupier does not take corrective action, within the specified time, we will undertake the work and seek to recover our cost.

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

### **Required clearance dimensions**

The Highways Act 1980 specifies that the cause of the danger, obstruction or interference is removed. Although no dimensions are specified within the Act, we have identified the following:

- Footway clearance - minimum headroom of 2.6m (8' 6") ideally back to the highway boundary or otherwise stated
- Road clearance - minimum headroom of 5.2m (17') and a minimum sideways clearance of 500mm (1' 8")



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

A protected tree is one that is subject to a Tree Preservation Order (TPO) or growing within a Conservation Area. In order to comply with our requirements, which are aligned to the Highways Act 1980, the required works are exempt from the submission of a relevant application to the Borough or District Council (in their role as the Local Planning Authority).

### 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 August. This period is known as the 'bird nesting season'.