

HEDGES, TREES & RIGHTS OF WAY

The Isle of Wight Council's Public Rights of Way service manages the most concentrated network of public rights of way in the UK. Within the Isle of Wight's 147 square miles there are 520 miles of rights of way which include 326 miles of footpath, 165 miles of bridleways and 29 miles of byways. This equates to 3.5 miles of rights of way per square mile.

Owning hedges and trees

A hedge can be inexpensive and relatively easy to create. It can last for a long time, adding colour and privacy to your property and a food source and habitat for wildlife. However, in the wrong place it can also be a nuisance and/or become a danger to the public and the wildlife that you may be trying to encourage.

The ongoing maintenance of hedges and trees that run alongside public rights of way (footpaths, bridleways and byways, which are legally "highways") are the responsibility of the owner of the land they are planted on. In limited places that land may belong to the council but more commonly the land will be in private ownership.

How can a hedge be a hazard?

The full width of a public right of way should be available for people to use in a safe and convenient manner at all times. Side and overhead vegetation/branches must not be allowed to grow to obstruct a path. It is equally as important to keep encroachment trimmed back to prevent narrowing of a path.

Restricting the width of a path can cause injury to persons or damage to their property e.g. from thorns or low branches.

Consideration must be given to people using a mobility vehicle or wheelchair and to those that are partially-sighted or pushing a pram or a buggy.

On bridleways it is important to remember that horse riders require increased space in terms of width and height.

Where paths meet roads overgrown hedges and trees can obstruct sight lines meaning a clear view of the path or road ahead is difficult, increasing the risk of an accident. It is important that as much visibility as possible exists at points where public rights of way meet roads so that road users can see pedestrians, cyclists and horse riders when crossing or moving out into the path of traffic and vice versa.

What counts as overgrown or overhanging?

Any overhanging vegetation must be kept at least 2.4m above a footpath, and 3m above a cycleway or bridleway. Please remember that when branches are heavy with leaves and after rain they will sag, so clearance may call for a higher cut than the minimums stated above. There should be nothing in the actual width of the path (including any verge) i.e. the vegetation should be cut back to your boundary line.

Looking after your hedge

You are responsible for looking after any hedge, tree or vegetation on your property, ensuring that it is not a nuisance to anyone. The state and condition of trees and hedges that are next to a public right of way (and within falling distance) must be checked by the landowner regularly and maintained accordingly.

I do not own the property, I am a tenant - is the hedge my responsibility?

The occupier is usually responsible for this type of maintenance but check your tenancy agreement or lease. If your tenancy agreement or lease states that your landlord is responsible, you should contact him/her so they can make arrangements to cut back the vegetation as soon as possible. You should also pass on the landlord's/agent's contact details to the council so that contact can be made directly in the future.

What about motor vehicles?

No motor vehicles are permitted on public footpaths and bridleways unless there is a lawful reason to do so. If you live along an unadopted road which also has a public footpath or bridleway running along it, then landowners should ensure that the full width of the track (and any verge) is kept clear up to minimum height of 5.5m. This allows access for larger vehicles such as emergency services and bin lorries

If the tree is protected (Tree Preservation Order)

If the tree is subject to a Tree Preservation Order (TPO), seek advice from the council's tree officer before carrying out works. Do not delay contacting

the tree officer if you have any doubt that a tree has become unsafe and poses a danger to the public.

When to do the work

It is unlawful to disturb nesting birds. Before you start to cut, check that there are no birds' nests currently in use – this can be done by observing bird activity.

If you are cutting a small hedge by hand it is easy to avoid sections where birds are actively nesting, meaning you can still cut off the worst of the obstructing vegetation and come back later to do the rest. It is more difficult when cutting a long expanse of hedge by tractor and it is therefore prudent that this is carried out during the winter months when birds have finished nesting.

Debris from the work

Whether you cut the hedges yourself or use a contractor to carry out the work, all debris must be removed from the path and disposed of responsibly. The work must be carried out in a safe manner which does not put the public in danger. If a path needs to be temporarily closed while works take place, please contact the Public Rights of Way service.

What happens if I don't cut my hedge?

It is an offence under the Highways Act 1980 to allow trees, hedges, shrubs etc. to obstruct a public right of way. The council will be forced to serve a formal notice upon the landowner in the event of polite requests being ignored. Failure to comply with a notice will result in the council carrying out the works itself but it will seek to recover all costs and expenses in doing so from the landowner. This could involve court action in the event of non-payment.

Hedgerows Regulations

Hedgerows Regulations apply to countryside hedges but not those forming the curtilage of a property. Trimming back a hedge counts as 'management' for the purposes of the regulations, but if the roots of a hedge are to be taken out, this counts as 'removal' and a Hedgerow Removal Notice needs to be submitted. Seek advice from the council's ecology team.

REPORTING OVERHANGING HEDGES

Reporting overgrown hedges and low branches on public footpaths, bridleways, and byways (rural off-road network).

Public Rights of Way Service

Isle of Wight Council
County Hall
High Street
Newport
Isle of Wight
PO30 1UD
01983 821000
rightsofway@iow.gov.uk
iwight.com/PublicRightsOfWay

Roads and pavements are subject to similar legislation (road network and tarmac estate paths). In these circumstances please report to Island Roads.

Island Roads

St. Christopher House
42 Daish Way
Newport
Isle of Wight
PO30 5XJ
01983 822440
info@islandroads.com

If any trees are subject to a Preservation Order (TPO) contact the Tree Team.

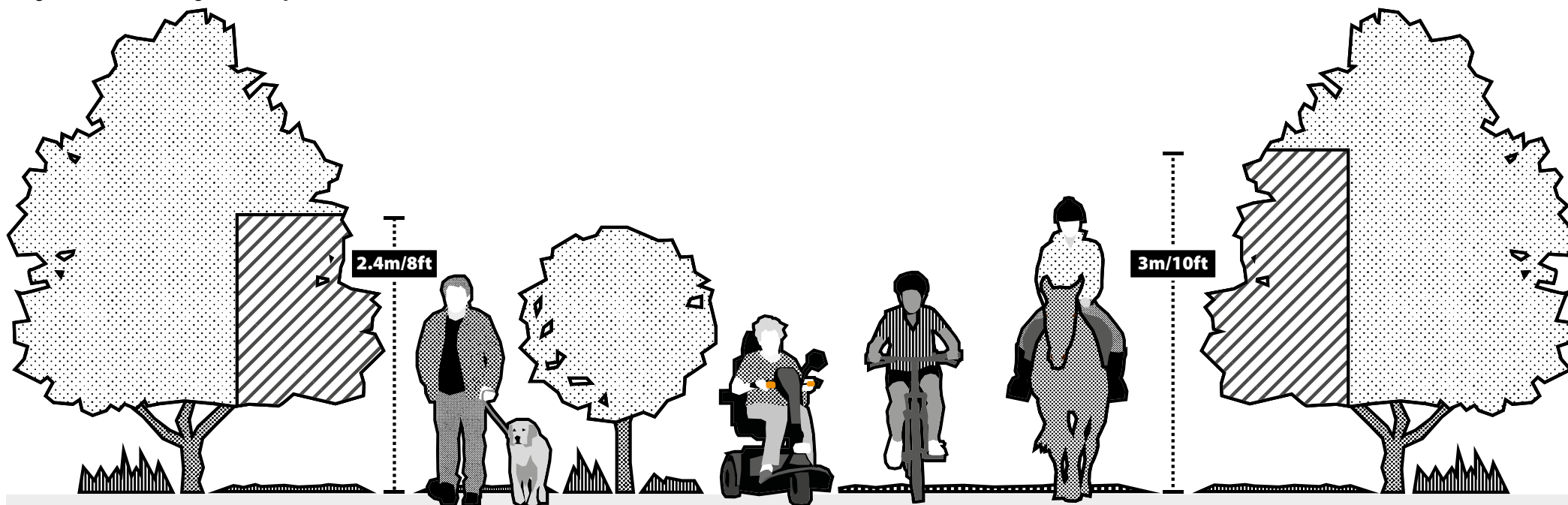
Tree Team

Isle of Wight Council
Seaclose Offices
Fairlee Road
Newport
Isle of Wight
PO30 2QS
01983 823552
development@iow.gov.uk
iwight.com/trees

If a countryside hedge needs to be removed contact the Ecology Team.

Ecology Team

Isle of Wight Council
Seaclose Offices
Fairlee Road
Newport
Isle of Wight
PO30 2QS
01983 823552
ecology@iow.gov.uk



You are responsible for looking after hedges and trees on your land and property.

Overhanging hedges and branches can be a hazard to path users.

Trim your hedge regularly.
Clearance for footpaths: **2.4m/8ft.**

Clearance for bridleways, cycle tracks and other public rights of way: **3m/10ft.**