

Public Rights of Way

Vegetation Overgrowth & Trees Information Sheet*

Duties as adjoining land owners/ occupiers

It is the responsibility of the owner or occupier of land/ property adjoining a Public Right of Way ("PROW") to keep all vegetation trimmed so that it does not overhang the PROW (including its verges). Any cuttings/ arisings must be removed from the path and its verges. This is a legal requirement contained within **Highways Act 1980 s.154** this provides that: -

- Where a hedge, tree or shrub (or other vegetation of any other description) overhangs a PROW, the Council may serve notice upon the owner or occupier of the adjoining land requiring him/ her to cut the vegetation back within a period of 14 days from the date of service of the notice.
- Where it appears that a tree, hedge or shrub adjoining a public right of way is dead, diseased, damaged or insecurely rooted, and thereby likely to cause danger by falling onto the path, the Council may serve notice on either the owner or occupier of the land upon which it is situated, requiring it to be cut or felled within a period of 14 days of the date of service of the notice, so as to remove the likelihood of danger.
- If a person on whom a notice is served fails to comply with it within the specified time-scale, the Council has powers to carry out the work required itself, and to recover all expenses reasonably incurred from the person in default.

Path widths and heights

There is no standard path width which must be kept clear. Path widths often vary along the length of a path, and vary considerably between paths, according to the particular path's history. Please contact the PROW Team if you have any queries relating to the width of a path.

The minimum height to which vegetation should be cleared is as follows: -

Public Footpath:	2.4m / 8ft
Public Bridleway:	3.7m / 12ft
Restricted Byway:	5.0m / 16ft
Byway Open to All Traffic:	5.0m / 16ft



Requirements for carrying out the work

The requirements below must be followed: -

- Tree work must be carried out to professional standards by a competent person – **British Standard 3998:2010**.
- Any contractor instructed to carry out any works within the Public Right of Way must have obtained and provided to the Council (PROW Team at the Council Offices, Market Street, Newbury RG14 5LD) prior to work commencing: -
 - their **£5m Public** and **£10m Employers Liability Insurance** certificates; and
 - **risk assessment** for working in a public place, works **method statement** and chain saw etc **certification**.
- The Code of Practice relating to 'Safety at Street Works and Road Work' must be complied with and in particular your attention is drawn to **Chapter 8** relating to signing, pre-signing and guarding.
- It should not normally be necessary to close the PROW, however if it is the contractor's professional opinion that the PROW should be closed during the works an **emergency closure** licence may be obtained from the Highways Service on 01635 519080, trafficandroadsafety@westberks.gov.uk, www.info.westberks.gov.uk/article/27892. If members of the public do approach on the PROW, machinery should be switched off and they must be escorted around the works as soon as it is safe to do so.

This advice note is without prejudice to other relevant legislation or case law. It is a **guide to set out key points relating to the Council's duties and powers, this is not an exhaustive explanation of the law.*

