



Trees overhanging the highway

One of the requirements of the Highways Act 1980 (the Act) is that a public highway should be kept clear of obstructions. Trees are living and growing organisms that can grow, in time, over a highway and impede the movement of pedestrians and vehicular traffic. Specifically, section 154 of the Act gives the highway authority powers to require the removal or cutting back of trees, shrubs and hedges that obstruct or endanger highway users.

What clearance is appropriate?

While no specific guidance is given in the Act, it is generally accepted that the minimum clearance should be 2.4m over a footpath and 5.05m (16' 6") over a road (measured from the centre line). As a guide, these

minimum clearances should be sufficient to allow a 2m person with an umbrella up to walk unimpeded along a footpath and a double-decker bus to travel along a road without hitting any overhanging branches.

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 you to carry out the clearance work. The pruning should be carried out to currently acceptable arboricultural standards.

If you wish to carry out work in excess of the minimum required (for example if you want to prune branches growing over your own property) you will need to submit a formal application or 'Notice of Intent' for the additional work.

While not a legal requirement, it would be appreciated if you could inform one of the tree officers that you are going to carry out the work under this exemption. This will give the opportunity to confirm that the trees are protected and enable a note to be put on the registers to help ally any misunderstandings.

What do I need to do to report a tree that obstructs the highway?

For trees or other vegetation obstructing the highway within the Test Valley, you should contact Customer Services for Test Valley to check the tree ownership or Hampshire County Council (contact details overleaf).



Trees overhanging the road, Danes Road Shootash

Your duty as a tree owner under the Highways Act 1980

Where the tree is adjacent to the Highway on private land, the owner of the land may be required to carry out works to make it safe if it is considered to be a danger to users of the highway.

What if I fail to remove the offending vegetation?

Under Section 154 of the Highways Act 1980, Test Valley Borough Council has the power not only to serve notice to cut back offending vegetation but also to carry out the work itself and recover all costs incurred. Formal notice would be given of this next stage of action but it is hoped that the timely cooperation of residents will make this unnecessary.

Vegetation can grow very quickly especially during warm wet summer months, it is recommended that allowance is made for this when undertaking work to ensure generous clearances and reduce the need for frequent maintenance.



‘My Test Valley’ allows residents to report issues such as missed bins, overgrown shrubs and hedges and fly-tips, quickly and easily.

You can attach useful information including photographs and videos, as well as pin point where the problem is on the interactive map. Once you click Submit, the report will be sent to Test Valley Borough Council to look into.

The app also includes links to useful information on the Council’s website.

What issues can you report?

- Report a Missed Bin Collection
- Report a Missed Garden Waste Collection
- Report Fly Tipping
- Report an issue with a Hedge/ Shrub
- Report a Pothole to Hampshire County Council
- Report faulty Street Lights to Hampshire CC

Features

- Submit a report about a problem

- Receive information about your submitted report
- View your submitted reports
- Add notes to existing reports
- Access council news and events
- Set up/update your contact details

How do you submit a report?

- Select the category which best describes the problem
- Answer the questions and attach evidence such as a photograph or video
- Enter the location of the problem, either manually or by using your mobile device mapping software
- Submit the report to the Council

What happens next?

Your report will be sent to the Council to look into and you will receive an e-mail giving details of your service request number. Once your issue has been resolved, you will receive an email confirming the incident as closed.

Contact us

customerservices@testvalley.gov.uk



Useful contacts and references:

If you have any concerns regarding trees managed by Test Valley Borough Council - often land in public open spaces and parks - please contact Customer Services who will firstly confirm whether the land is indeed managed by the council.

Telephone 01264 368000 or 01794 527700

Minicom 01264 368052

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ

www.testvalley.gov.uk

Date of publication: April 2016 Thanks to West Berkshire Council for sharing the information contained with this publication.

For additional advice on trees:

Hampshire County Council

The Castle, Winchester, Hampshire SO23 8UJ

www3.hants.gov.uk/roadproblems

info@hants.gov.uk

0300 555 1388 for Roads and transport or 0300 555 1391 for Countryside

Arboricultural Association

The Malthouse, Stroud Green, Standish, Stonehouse, Gloucestershire GL10 3DL

Tel: 01242 522152

www.trees.org.uk/Directory-of-Tree-Surgeons