

## Hedges Ditches and Disappearing Verges! - What the Law Says.

Hedges are commonly used to mark the boundary between private and public land. Most homeowners in the village have a roadside hedge and maybe a few trees marking their border in the front garden. It provides visual privacy and a barrier against intrusions of cats, dogs, and people. Keeping it trimmed is usually just another chore for the weekend. But for farmers with miles of thick, stock-proof hedging to maintain, it must be a very costly undertaking. The law regarding maintenance however applies just the same as to the average homeowner who's only got a few yards of frontage.

The Highways Act 1980 lays out comprehensive legal requirements for the UK. Every county council in the country appoints a *highways authority*, which plans policy for maintaining public highways in their area. Apart from motorways and trunk roads, and variations due to local conditions, the fundamentals remain the same. **It is the responsibility of landowners to maintain their roadside hedges, so as not to impede the passage and impair safety of highway users. The Highways Authority has the power to enforce this rule.** This means that seasonal growth must be cut back to maintain visibility (especially at junctions and bends), the removal of dead or decaying trees, cutting overhanging branches which could affect high-sided vehicles, and remove resultant trimmings from the road, footpath or verge. If there is a ditch or watercourse of any kind that must also be kept clear. This law probably dates from the roman occupation and has evolved into Common Law as '*riparian rights*'. For the sake of nature conservation, - **hedge cutting should be avoided during the bird-nesting season between March and August- provided road safety is not an issue.**



The Highways Act makes it clear that **the grass verge is part of the highway**. It is a very important part, so **it is Council's responsibility to maintain it**. The verge is there to provide a refuge for pedestrians and other travellers not in vehicles. It is where highway-code signs, direction posts, and overhead electrical and telephone poles are located. What we don't see are the underground facilities like drains, gullies, water pipes, sewers, and electrical and telecom cable ducts. A wide verge offers motorists an extended range of visibility around bends and corners. It is the equivalent of an urban pavement and is important for road safety. It becomes particularly useful when road works are in operation.

Somerset's verge maintenance policy is to cut a minimum of one swathe width of vegetation, i.e. about a metre from the road's edge. Where there is a bank or a border hedge instead of a verge, they make one or two vertical cuts to remove growth that could obstruct visibility. How often this is done depends on the classification of the road. In practice in rural areas this usually means once a year, and cutting normally starts in early May to late July.

The Highway-Code signs and direction posts obviously belong to the highway, so the Authority is responsible for their upkeep. They no doubt have a routine for inspection, cleaning and re-painting, but more likely at public request.

A road needs drainage, so *gullies* are fixed within the verge to drain rainwater along with mud leaves and debris. **Maintaining them is the responsibility of the Council.** Mud and solids collect in the pit of the gully and water flows out to the next one via culverts under the road. They are supposed to be cleaned every 2-4 years. In reality this is more likely whenever people complain about them flooding. At the Four Forks crossroad for example, there are three gullies and they in turn are connected to

