



## **RAMSEY TOWN COMMISSIONERS**

### **GUIDANCE ON OVERHANGING TREES SHRUBS OR BUSHES OBSTRUCTING OR PRESENTING A DANGER TO USERS OF THE PUBLIC HIGHWAY**

#### **WHO IS RESPONSIBLE FOR CUTTING BACK OVERGROWN HEDGES OR TREES ON A PUBLIC HIGHWAY ?**

Trees and hedges are the responsibility of the owner of the land they are situated on. The owner has a legal obligation to keep them from encroaching on the highway. For the purpose of this provision:-

- Hedge, tree or shrub includes vegetation of any description.
- Highway refers to carriageway, footpath/footway and verges.

#### **WHAT WOULD BE CLASSED AS AN OBSTRUCTION ?**

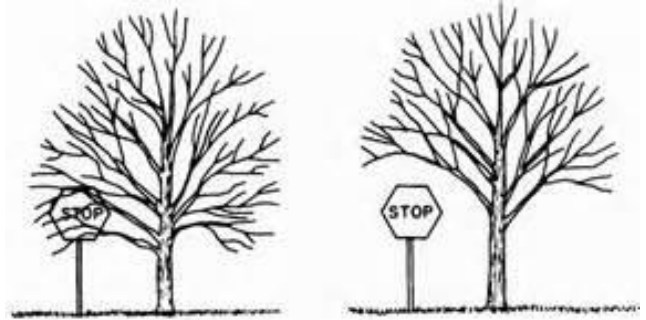
An obstruction is where a hedge, tree or shrub overhangs a highway or any other road or footpath to which the public has access so as to:

- endanger or obstruct the passage of vehicles, horse riders or pedestrians
- interfere with the view of drivers of vehicles or the light from a public lamp



## TREE AND HEDGE ISSUES TO REPORT TO THE COMMISSIONERS ?

- Trees or hedges overhanging or encroaching on a public footpath
- Trees or hedges overhanging or obstructing visibility on a public road
- Dead or diseased trees or hedges which may fall and cause danger to highway users
- Dead or diseased trees on public land



## HOW DO WE DEAL WITH OVERHANGING VEGETATION ?

Once Ramsey Town Commissioners are aware of a potential issue the site is assessed within ten working days unless it is indicated to be a serious hazard. If it is found to have overhanging vegetation we would need to determine who is responsible for the vegetation.

As an initial step for the majority of private overhanging vegetation Ramsey Town Commissioners will write to the responsible party to request that the hazard is removed.

The time allowed for the action to be taken by the recipient of the letter will be determined by the impact of the vegetation on the highway.



Failure to carry out the remedial works will result in the serving of a formal Notice with a specific time period allowed to complete the works. In the event that the Notice is not adhered to then the Commission will arrange for the necessary work to be undertaken and will invoice the owner or occupier to recover any costs incurred.

## **HOW FAR BACK SHOULD VEGETATION BE CUT BACK ?**

If the vegetation obstructs or narrows a public highway or footpath we will normally require it to be cut back to an identified property boundary, such as a wall or boundary fence. Once cut back the owner would be expected to ensure that the vegetation is maintained so as to avoid further encroachment.



The aim is to ensure that the rights of highway users are not obstructed and that highways including pavements and footpaths are safe for users.

## **CAN I APPEAL AGAINST A NOTICE WHICH HAS BEEN SERVED ?**

You have the right to appeal to the High Bailiff within the period stated for the compliance with the notice. The appeal rights will be notified with any notice which is served.

## **WHAT HAPPENS IF A NOTICE IS NOT COMPLIED WITH ?**

It is an offence to fail to comply with a notice. Subject to any order made on appeal the Act provides that, if you fail to carry the works required within the period stated in the notice you shall be guilty of an offence and the Commission may carry out the works required.

If convicted of such an offence, the maximum penalty is a fine of £1000.

Should the Commission carry out the works required by the notice it will seek to recover the expenses reasonably incurred by it in doing so.

## HOW LONG WILL IT TAKE TO RESOLVE A COMPLAINT ?

Where overhanging trees or shrubs are deemed to be an obstruction to the highway users, the maximum time for processing is approximately two months. This allows time for site inspections and meetings where necessary to take place and the required correspondence to be served. There is also a potential delay if the enforcement is affected by nesting season where it is not always possible to carry out vegetation removal.

Where vegetation is considered to be causing a potentially life threatening hazard the works will be undertaken by Ramsey Town Commissioners without delay. In these circumstances the Commissioners will seek to recover reasonable costs incurred from the property owner.



## HOW TO REPORT OVERHANGING TREES OR SHRUBS ?

Reports can be submitted in writing to Ramsey Town Commissioners, Town Hall, Ramsey IM8 2EF through the Commissioners website [www.ramsey.gov.im](http://www.ramsey.gov.im) or by email to [enquiries@rtc.gov.im](mailto:enquiries@rtc.gov.im)

Once we have received your report an investigation will be carried out to determine who is responsible and your report will be updated informing you of the actions being taken.