

## Overhanging trees and bushes

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<https://www.cormacltd.co.uk/media/46005982/roadside-hedge-and-tree-management-fact-sheet-cc.pdf>

Item	Purpose
	The council occasionally receives complaints from residents about trees and hedges that grow over from private land onto the pavement. The problems they cause are when people who are visually impaired walk into these hedges or when those who have mobility issues (needing to use a mobility scooter) or are using pushchairs or prams cannot use the pavement safely.
Legal basis	<p>Cornwall Council has a legal duty to prevent, as far as is reasonably possible, the obstruction of the highway. This includes ensuring that landowners and occupiers properly manage the growth of their trees and hedges on the roadside.</p> <p>The parish council has no powers of enforcement and cannot compel property owners to safely maintain their hedges. However, it may be able to raise the issue with the owner and negotiate a settlement.</p>
Importance to you	<p>Apart from dog-mess, this is the most complained about topic that the parish council receives. It is important that you understand the limits of the council's powers and are able to offer practical solutions.</p> <p>Councillors have agreed this protocol when managing complaints about overhanging trees and hedges.</p>
1 Stage Take details	Whatever the source of the complaint (email, telephone or personal contact), record details of the complainant (details are confidential to the council and never passed on without permission) and the location of the complaint.
2 Stage Report to Cornwall Council	<p>Explain that Cornwall Council can take their complaint directly or we can report it on their behalf. If they wish to report it directly, search online for 'report it Cornwall hedges'. By reporting it themselves, they will receive acknowledgements and updates from Cornwall Council. If we report it to Cornwall Council for them (via the Clerk's Office) we may not have the correct location and any updates will come to us not the complainant.</p> <p>If they don't want to escalate the situation to Cornwall Council, proceed to Stage 3.</p>

<p>3 Stage Personal visit from parish councillor</p>	<p>A personal visit from two parish councillors together to raise the issue with the owner/occupier and ask that the situation is remedied. This would aim to be an amicable approach to explore what the causes are and what remedies might be possible (for example, a tenant may insist that their landlord or agent is responsible, so we would need to obtain their contact details).</p> <p>If a solution can be agreed, then the councillors would also agree a timeframe for the work to be completed. This can then be recorded by the Clerk's Office and fed back to the complainant.</p> <p>Is this approach is not successful, proceed to Stage 4.</p>
<p>4 Stage Letter</p>	<p>Clerk will write on behalf of the Chair to remind the owner of their responsibilities and request that the work is carried out. Letter will include explanation of why the work requested is necessary. Letter to be sent by recorded delivery.</p> <p>Include a deadline for the work.</p> <p>Is this approach is not successful, proceed to Stage 5.</p>
<p>5 Stage Report to Cormac</p>	<p>If no response is received within 2 weeks, Clerk will report the matter to Cornwall Council/Cormac and report back to councillors in the public meeting.</p>
<p>What direct action can the parish council take?</p>	<p>The parish council has the power to carry out remedial work and to charge back to the property owner. CALC advise against this because:</p> <p>Where a local council has agreed that the overhanging trees/bushes are causing a danger to the public i.e. forcing them off the pavement into the road etc., then it can undertake the work, place the debris back on the property and invoice the resident for the cost. However, there is no guarantee that the homeowner will pay and there will inevitably be a complaint/reputational damage. The other issue is that it will create a precedent and the council will be expected to act in other places at public expense.</p>

Notes	
Accessibility	If you need this document in paper format, please contact the Clerk's Office
Reference	SKTPC QG Overhanging trees
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