



## **POLICY ON MAINTENANCE OF VERGES**

### **Introduction.**

1. Most pavements and footways in Churchdown are bounded either by grass verges, which themselves form part of the public highway, or by verges or properties owned by private individuals or organisations. In places, grass and other vegetation from these verges or properties encroaches onto the pavement or footway causing inconvenience to or a potential safety hazard to members of the public using the pavement or footway.
2. This policy concerns the approach to be taken by Churchdown Parish Council to dealing with such encroachments. It does not concern vegetation on or encroachments onto public footpaths. Within this document, the term footway will include pavements and paved footways forming part of the public highway or public right of way.
3. This policy covers:
  - a. Vegetation encroaching onto pavements and verges from land not owned or under the direct management responsibility of Churchdown Parish Council.
  - b. Plants and vegetation growing on or in the surface of pavements and pavement edges.

### **Aim.**

4. The aim of this document is to set out the policy of Churchdown Parish Council for dealing with encroachments onto and obstruction of pavements within Churchdown due to excessive growth of vegetation.

### **Dealing with Excess Vegetation.**

#### **5. Responsibility.**

- a. The responsibility for clearing excess vegetation from pavements rests with the owner of the land from which the vegetation encroaches. If the

vegetation encroaches onto a pavement from a private property, the property owner is responsible for clearing it from the pavement. If the vegetation comes from a verge or other part of the pavement or highway, the highways authority is responsible for clearing it.

b. The local highways authority is responsible for the maintenance of pavements. The actual responsibility of the authority is to maintain pavements in a safe condition for use by members of the public. There is no absolute obligation on the highways authority to clear excess vegetation; only to maintain the pavements in a safe manner. Thus, although excess vegetation may appear unsightly, the highways authority cannot necessarily be obliged to clear it.

c. There are instances where direct responsibility cannot be attributed to any individual or organisation. This will usually be where the ownership of the land from which the vegetation originates is unregistered with the Land Registry.

## **6. Churchdown Parish Council Approach.**

**a. General.** With respect to vegetation on pavements, Churchdown Parish Council (the Council) will seek to ensure that:

- (1). Encroachment of vegetation onto pavements does not present a safety hazard to users of the pavement or highway.
- (2). The convenience of pavement users is not impinged by excessive growth of vegetation.
- (3). Pavements and verges are maintained in a manner and to a standard that presents a tidy appearance and reflects credit on Churchdown.

The general approach of the Council to roadside vegetation will be to encourage those responsible to maintain the vegetation in such a manner that encroachments do not occur. If and when such encroachments do occur, the Council will seek to remedy the situation.

**7. Encouragement.** Via its usual publicity channels, the Council will remind property owners of their responsibilities regarding roadside vegetation and seek their cooperation in keeping pavements clear of encroachments. With particular respect to hedges and trees, this publicity will be before the start of and towards the end of the nesting season.

**8. Assessment of Encroachment.** When an instance of encroachment of vegetation is brought to the attention of the Council, it will first assess the encroachment to see if it meets the criteria for intervention set out in paragraph 6 above. An officer or representative of the Council will visit the site in question to assess which of the categories is effected.

9. **Action to be Taken.** Should the encroachment meet one of the criteria, the Council will contact the individual or organisation responsible and request remedy from them. If the encroachment presents an actual or potential safety hazard, the Council will request immediate action. Should the encroachment not affect safety, the Council will request action within a specified period; by default, twenty eight days.
10. **Standards.** The normal standards with respect to pavement vegetation will be:
- a. That no vegetation encroachment shall present an actual or potential threat to the safety of pedestrians or legal users of the pavement.
  - b. That no grass, moss or weeds be allowed on the surface of or in gutters of pavements.
  - c. That on the inner edge of pavements, vegetation shall be cut back to the full width of the paved surface, and to a height of not less than two metres above the pavement surface.
11. **Non Compliance.** Should there be no response to the person or organisation responsible for the encroachment, or should the response amount to a refusal to remedy the matter, the Council will act as follows.
- a. **Matters Affecting Safety.** If a person or organisation responsible can be identified and contacted, and if they refuse or fail to provide a remedy, if practicable and affordable, the Council may undertake to remedy the situation at its own expense; reserving the right to seek recovery of that expense from the individual or organisation concerned.
  - b. **Matters not Affecting Safety.** For cases not affecting safety, and where the individual or organisation responsible fails or refuses to take action, the Council will take a view on whether or not to pursue the matter with those responsible or to remedy the situation at its own expense. Where the Council decides to remedy the matter at its own expense, it will reserve the right to recover that expense at a later date from those responsible.
12. **Non Attributable Responsibility.** Where an encroachment occurs from land which is unregistered with the Land Registry, and for which responsibility cannot initially be attributed, the Council will take a view on whether or not to remedy the matter at its own expense. When the Council does remedy the matter at its own expense, it will retain the right to seek recovery of that expense at a later date should the person or organisation responsible for the unregistered land become known.
13. **Funding Action.** For the year in which this policy is adopted, the Council will set aside a sum for any work to be carried out during that year. Thereafter, the Council shall budget annually for the maintenance of verges. Responsibility for deciding actual spend will be devolved to the relevant committee within the limits of its spending authority. Any expense above the normal limit of the committee's authority must be agreed by Full Council.

14. **Emergency Action.** Where a situation occurs that affects safety of pavement users, and immediate remedial action is required, the Chairman of Council, in consultation with the Responsible Financial Officer (RFO) may authorise expenditure of up to £500 (Five hundred pounds) to effect that immediate remedial action.

**Summary.**

15. Most pavements in Churchdown are bounded by verges or properties containing vegetation which may encroach onto the pavement. These encroachments are often unsightly, and in some cases, safety hazards for pedestrians.

16. The Council will seek to ensure that encroachments of vegetation onto pavements be prevented, and cleared if they do occur. This will be by publicity to encourage avoidance, and by requests for remedial action when encroachments do occur.

17. The Council will seek to ensure remedial action by those responsible for encroachment of vegetation. Where those responsible fail to clear an encroachment, or when no individual or organisation can be proven responsible for an encroachment, the Council may decide to clear it at its own expense. In such cases, the Council reserves the right to seek reimbursement of the cost of clearance at a later date from those responsible.

18. The Council will set make provision via its annual budget for the costs involved in maintaining verges.