



*Basingstoke
and Deane*

Guide to trees overhanging the highway

Useful Contacts

Hampshire County Council (Highways)

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Borough of Basingstoke and Deane (Contact Centre)

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Neighbourhood Development (Protected trees)

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Introduction

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) 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 town area of Basingstoke and Chineham, you should contact the borough council (contact details overleaf). For trees or other vegetation obstructing the highway in the rest of the borough you should contact Hampshire County Council (contact details overleaf).