

# Hedgerows

## Whose responsibility is it to cut back overgrown hedges?

A common source of dispute between neighbours and complaints to the council is overgrown hedges, bushes or trees obscuring light, overhanging other people's property, or obstructing the pavement or highway.

If any part of your hedge borders a pavement or footpath, it is YOUR responsibility to keep it maintained and trimmed back to the point that it doesn't encroach over the footpath / pavement / road or obstruct or risk injury to passers by.

Boundary hedges between properties are in fact the responsibility of both neighbours, but the ownership depends on which side of the defined property boundary lines the hedge is growing. You are permitted to trim back any branches or roots that encroach the boundary line onto your property, whether manually or by using a hedge trimmer; however if you cut back any further and go over the boundary line, legally you could be taken to court for damaging your neighbour's property.

If a hedge or grass verge is growing on 'common ground' it is East Sussex County Highways responsibility.

## When to trim hedges

**September to March** is often the best time to trim your hedges before the birds start to nest and while there are still no new leaves.

Under Section 1 of the [Wildlife and Countryside Act 1981](#), it's an offence to intentionally damage or destroy an animal habitat or wild bird's nest while it is being built or in use. That includes consciously using a hedge trimmer when there is a bird's nest in your hedge, and in the process of doing so, causing the nest to be damaged or destroyed. For this reason, bird conservation organisations such as the [RSPB](#) recommend that you do not use hedge trimmers between March and August, when the main breeding season for nesting birds occurs.

## Reporting issues

### Privately owned hedges & trees

You can report an overgrown or an overhanging tree or hedge on private land, to Warbleton Parish Council. If it endangers or obstructs road and pavement users, they will contact the owner requesting that they cut it back.

If the overgrown tree or hedge is not cut back by the owner within the council's timescales, East Sussex Highways may also serve them with a notice to do the work under Section 154 of the Highways Act 1980.

### Hedges & trees on common land

You can report an overgrown or an overhanging tree or hedge on common land via: [Report a Problem – East Sussex Highways](#)

# 2024 Hedgerow Management [Rules](#)

These rules came into force on 23 May 2024 and aim to protect hedgerows on agricultural land as these are important ecological building blocks across our landscapes. Hedgerows provide habitat, act as wildlife corridors, slow soil erosion and water run-off.

## **Cutting and trimming rules**

You must not cut or trim a hedgerow that is covered by the rules from 1 March to 31 August. You must not cause or permit another person to cut or trim such a hedgerow.

## **Location**

The rules apply if a hedgerow is growing on, or next to, land used for agriculture, including:

- horticulture
- fruit growing
- seed growing
- dairy farming
- the breeding and keeping of livestock – this includes horses, ponies and any animal kept for its use in farming, or for the production of food, wool or skins
- it includes grazing land, meadow land, osier land, market gardens, nursery grounds and allotments. And woodlands where agricultural activities take place.

## **Exemptions from the rules**

Cutting or trimming is permitted from 1 March to 31 August in the following situations.

## **Public and private rights of way**

The hedgerow overhangs a highway, road or footpath over which there is a public or private right of way and the overhanging hedgerow:

- obstructs the passage of users
- is a danger to users
- obstructs the view of users
- obstructs the light from a public lamp
- The hedgerow is dead, diseased, damaged or insecurely rooted. And because of its condition, it or part of it, is likely to cause danger by falling on to a highway, road or footpath.

## **Hedge-laying and coppicing**

To carry out hedge-laying or coppicing during the period 1 March to 30 April. Or to trim a newly laid hedgerow by hand, within 6 months of it being laid.

## **Boundaries of a private garden**

The hedgerow is within the curtilage of a dwelling house. Or the hedgerow marks the boundary of the curtilage of a dwelling house (this applies to both sides of the hedgerow).

## **Risks to plant, human or animal health**

You need to prevent or treat serious causes of harm to plant health. Or there is a risk to human or animal health or safety.

## **Weed or pest infestations**

You need to prevent or treat a serious pest or weed infestation.

## **Work required by a statutory body**

Work is carried out by any statutory body (for example a utility company) acting under statutory powers.

## Exemptions are limited to the hedgerow management rules

These exemptions only apply to the hedgerow management rules on cutting and trimming. When carrying out any actions related to the above exemptions, you must follow any other rules or legislation in place. For example, Under Section 1 of the [Wildlife and Countryside Act 1981](#), it's an offence to intentionally damage or destroy an animal habitat or wild bird's nest while it is being built or in use.

## How much do you need to cut?

**ALL** vegetation should be a minimum of 50cm from the edge of the pavement or road

