

Advice from RCC about the legal position re verges and hedges

1 If a verge is shown on the Land Registry as not being part of a landowner's demise, can it be assumed that the verge belongs to the County Council and it is the County Council's responsibility to maintain the verge up to the landowner's boundary (or Parish Council where that responsibility is devolved)?

Generally, any land that has highway rights designated over it, is maintained by the highway authority. This is not to say that a resident cannot cut the grass etc, but if they did not, it would be the responsibility of the highway authority (or Parish, if grass cutting duties had been devolved).

The maintenance of the highway and the verges does not usually mean that the highway authority 'owns' the land, and despite it not being shown on deeds, there is usually an assumption that the adjacent landowner owns to the centre of the carriageway, but they cannot undertake any works to that land without highway authority permission, as highway rights apply. This can become a very grey area in villages.

2 if the verge is shown on Land Registry as being part of the landowner's demise, does the County Council still have responsibility to maintain the verge up to any hedge or boundary fence (or Parish Council where that responsibility is devolved)?

As per above, any land that has highway rights designated over it, is maintained by the highway authority. This is not to say that a resident cannot cut the grass etc, but if they did not, it would be the responsibility of the highway authority (or Parish, if grass cutting duties had been devolved).

3 If a hedge over hangs a verge, what powers do the County Council (or Parish Council) have to require the hedge to be trimmed back to the boundary line i.e. fence or hedge base in either of the cases above to ensure the verge is accessible?

Under the Highways Act 1980 Section 154, the Highway Authorities can require owners to cut back vegetation overhanging the highway which are causing obstructions or inconvenience to highway users, including pedestrians. We usually only enforce this following complaints, or identification during inspections, where a significant visibility or obstruction issue arises. We would normally send a polite request first, followed by a more formal notice, that could ultimately see us undertaking the work and re-charging the property owner, should they fail to undertake the works.

My reason for asking for definitive position is that there have been a number long running issues in Barrowden and the Parish Council would like to clarify the matter with residents before approaching the Council to take action. One of the issues is at Wheel Lane triangle which is causing difficulties for refuse vehicles accessing Wheel Lane from Chapel Lane.

Wheel Lane triangle is a tricky one, as per all historic grass triangle. It is likely that no-one is the registered 'owner', but highway rights would be exercised over them. Maintenance would be in accordance with approved grass cutting regimes, and we would only intervene in maintenance if there was a particular safety issue (ie potholes forming around it. Unfortunately, as vehicles have become more prevalent, and delivery and collection vehicles larger, these greens have been eroded, or removed in some location. The only way to protect the edges is to kerb them (an offer declined in the past by Barrowden PC in this instance I believe), or remove them completely (which erodes the rural nature of the villages).

I am happy to work with Barrowden PC on these issues, but please be aware, they may have to make a significant contribution to any amenity works, as maintenance funds will be significantly reduced next year.