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What to do about overgrown paths

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With cutbacks in local authority expenditure on public paths, overgrowth is an increasing problem. If you come across an overgrown path we recommend the following action.

Highway authority

Report it to the highway authority (county or unitary council) which, as the owner of the path surface, is responsible for removing vegetation growing out of the surface (the surface includes the full width of the path, including any trees or other vegetation growing in it).

While the landowner is responsible for cutting back hedges and other vegetation overhanging the path, the highway authority has a duty to ensure that this is done. Similarly, the highway authority has power under the Highways Act 1980 section 154 to require the owner or occupier to lop or cut back overhanging branches and vegetation.

Most councils have an online reporting facility.

Parish or community council

If the problem is local to you, you should ask your parish or community council whether it has any devolved responsibility for path clearance. Some highway authorities pay willing parish and community councils to do certain jobs for them and you can then report the problem direct to that council.

However, if the work is not done in reasonable time, you should report the problem and the failure to act to the highway authority, which remains responsible for all public paths.

Photographs

It is always helpful to take and send in photographs, which might avoid the need for council officers to make a site visit.

Self-help

You might like to carry a pair of secateurs with you on a walk or ride, to snip back encroaching branches—but do not do any heavy work and certainly do nothing which might cause damage to anyone's property or allow livestock to escape.

Legal action

Many councils have reduced their vegetation cutting programmes, and may be unwilling to respond to reports of overgrown paths. If a council refuses to act, so that a path is impassable owing to vegetation (or impassable to a class of users, such as horse riders or walkers), you can consider using sections 56 or 130A of the Highways Act 1980.

These provisions enable notice to be served on the council requiring action to be taken to put the path into proper repair (section 56) or to remove obstructions (section 130A). Please ask us for further advice about using these provisions.

While the Open Spaces Society has made every effort to ensure the information obtained in this factsheet is an accurate summary of the subject as at the date of publication, it is unable to accept liability for any misinterpretation of the law or any other error or omission in the advice in this paper.

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