

# Adjacent Landowners and the Public Highway





Carmarthenshire is a predominantly rural area where agriculture plays a key role in supporting the local economy. As the second largest County in Wales we have an extensive highway network which stretches over 3500km of roads with much of the network providing important access linking rural market towns, villages and settlements.

Working in partnership with landowners, and particularly the farming community, is vital to ensure we all play our part in maintaining a safe and accessible highway network and that we safeguard important habitats.

This brochure helps to explain the roles and responsibilities of both the Highway Authority, Carmarthenshire County Council, and adjacent land owners on a range of related issues including road safety, roadside hedges and trees, highway verges, roadside ditches and grips, mud on the highway and Public Rights of Way.

## Working Safely on the Highway

Anyone working or travelling on the public highway has a duty of care to ensure they do not endanger other road users. Specific advice on working on the highway is available from the Department for Transport's Safety at Street Works and Road Works and Chapter 8 of the Traffic Signs Manual which are available online.



## General Areas of Responsibility

A general indication of responsibilities is indicated on the diagram below although there may be some exceptions to this in particular cases.



Habitats and verges provide valuable habitat and the Environmental (Wales) Act 2016 places management duties on the highway authority and landowners.

## Highway Verges

Carmarthenshire County Council are normally responsible for the grassed areas of verge at the side of roads. We have in place a schedule of verge cutting over the summer months which is designed to maintain road safety, ensure visibility, provide areas for pedestrians to step off the carriageway if there are no footways and to stop unwanted species establishing.

Our verge maintenance has also been developed to safeguard important areas of habitat with some areas cut early or later in the season to allow native species to flourish.

## Hedges and Trees

Hedges and boundary trees are the responsibility of the adjacent landowner. If trees or hedges are not properly managed they can interfere with road safety, particularly at junctions or bends where they can compromise essential visibility.

Even light growth can cause problems for pedestrians and cyclists. Care must be taken to avoid hedge cutting during the bird nesting season unless there is an overriding safety concern.

Any arisings from hedge cutting should be removed to avoid endangering road users and in particular cyclists and animals. Care should also be taken to avoid damage to any grips or ditches and arisings should not be allowed to block drainage channels.

The Highways Act empowers the County Council to serve notice on landowners to cut back hedges or overhanging trees and costs may be recovered if necessary, but we would prefer to avoid this course of action and work with landowners wherever possible. Any felling of trees should be agreed with Natural Resources Wales.

## Roadside Ditches and Channels

Good drainage is essential to the highway particularly in rural areas where there is a greater reliance on ditches to carry surface water. Roadside ditches are normally the responsibility of the adjacent landowner even though the highway may drain into them and there is a common law duty on the adjacent landowner to maintain them.

Grips (channels) through the verge from the road to the ditch will be a County Council responsibility and we have programmes in place to inspect and maintain these but their performance can be compromised if the ditch they drain into lack proper maintenance.

Adjacent landowners should ensure that surface water is not discharged onto the highway and if highway drainage is affecting adjacent land please contact our highways department.

## Mud on the Highway

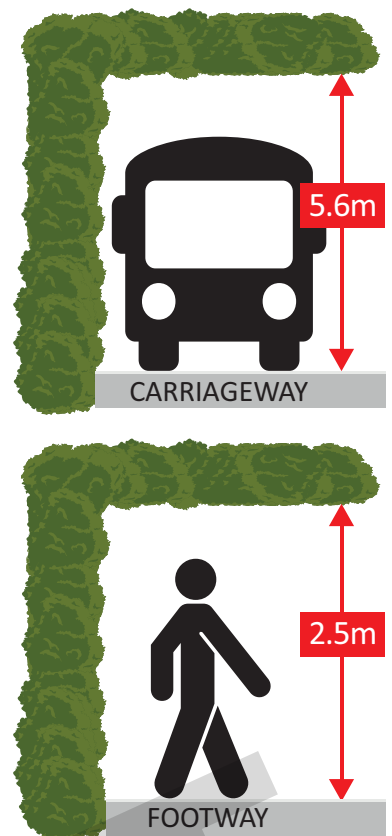
Mud and muck deposited on the highway can cause accidents, block drains and gulleys, and be a nuisance to other road users. It is an offence under the Highways Act 1980 to deposit mud or muck onto the highway and precautions should be taken to ensure that this does not happen.

Where mud is tracked onto the highway it should be cleaned off as soon as possible and warning signs put in place until the road is clean (remember warning signs do not in themselves prevent liability for accidents that occur). This also applies where animals use the highway. If necessary the County Council will take steps to clean highways and recover our costs under the Highways Act 1980.

## Public Rights of Way (PROW)

Footpaths, bridleways and byways are also public highways and our PROW team keep records of these (2400 kms) and have a duty to assert and protect the public's right to their use. Landowners should ensure that PROW are not obstructed, are free from encroaching and overhanging vegetation and are clear of growing crops.

Landowners also have a responsibility to maintain stiles and gates on footpaths and bridleways in a safe and acceptable condition for walkers and riders.







*We hope that this information helps to clarify responsibilities and whilst it has been endorsed by Carmarthenshire County Council, NFU Cymru, Farmers Union of Wales and the Country side landowners association it is not a definitive guide of responsibility.*

**Further information can be found at:**



[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)



[www.naturalresources.wales](http://www.naturalresources.wales)