

Clare County Council

Notice to Owners and Occupier Roads Act 1993

Roadside Trees, Ditches & Hedges

Clare County Council wishes to give notice that under the terms of the Roads Act 1993, landowners and occupiers of land are obliged to take all reasonable care to ensure that the trees, ditches, hedges and other vegetation growing on their land are not or could not become a danger to people using or working on a public road.

Examples of hazards might be dead or dying trees, ditches or hedges interfering with traffic, blocking footpaths, obstructing road signs or obscuring a view of the road ahead.

You are required to fell, cut, log, trim or remove such trees, ditches and hedges – **for a distance of 1 metre horizontally and 5 metres vertically from the edge of the road**. Adequate signposting should be provided and the Council notified before works commence.

Hedgecutting operations, should only be undertaken outside the critical bird nesting period of 1st March to 31st August, unless exempted under Section 40 of the Irish Wildlife Act 1976 (as amended).

Liability for damage or injury resulting from such hazards will rest with the landowner/occupier.

When cutting your hedges, care should be taken when dealing with scheduled invasive species subject to the European Communities (Birds and Natural Habitats) Regulations such as Japanese Knotweed, Himalayan Knotweed, Himalayan Balsam, Rhododendron, Giant Hogweed and many more (full list of 'Third Schedule' plant species available at <https://yoursay.clarecoco.ie/invasive-species-clare>). Please refer to Clare County Council's dedicated Invasive Alien Species (IAS) page to identify, record and report problematic invasive species at <https://yoursay.clarecoco.ie/invasive-species-clare>

If you do find invasive species such as Japanese Knotweed and other 'Third Schedule' invasive species on your property, the most important thing that you can do is prevent any further spread of the species. **Do not strim, cut, flair or chip the plants.** Tiny fragments can regenerate new plants and cause the Japanese Knotweed to spread. It is also advised not to dig, move or dump soil which may contain plant material as this will contribute to its spread. Please note that it is a legal offence to plant, disperse, allow or cause the dispersal of invasive species listed on the 'Third Schedule' subject to Regulation 49 of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended).

Report it! The location and extent of the infestation should be reported to your local Municipal District Office/Area Office.

Duty to Facilitate Drainage of Water From Public Roads

Landowners/occupiers are also reminded of their duty under the Roads Act, 1993 to facilitate the drainage of water from public roads and also to prevent water, soil or other matter from flowing or falling onto public roads especially at entrances to fields and farmyards.

Failure to comply with these obligations is an offence liable to prosecution.

Unauthorised Advertising on Public Roads

Please take notice that it is an offence under Section 71 of the Roads Act 1993, to erect, place or retain on a public road, a sign, vehicle including a vehicle with 'For Sale' signs, or other structure or thing used for the purposes of advertising, the sale of goods, the provision of services or other similar purpose without lawful authority or the consent of the Roads Authority.

This includes placing variable message signs on public roads, footpaths, or hard shoulders for the purpose of advertising events.

Clare County Council may without notice arrange for the removal and storage of any such unauthorised signs, vehicles or other structures or things and may recoup the removal and storage costs from the person claiming the unauthorised item. In certain circumstances, following a period of storage, the Council may arrange for the disposal of the unauthorised item.

The person who erects, places or retains the sign or advertisement and the person on whose behalf the sign or advertisement is exhibited shall be guilty of an offence and is liable to prosecution.

Further Information

Further information outlining the obligations placed on landowners and occupiers under the Roads Act 1993 is available at the address below:-

**Clare County Council, Roads & Transportation Department, Áras Contae an Chláir, New Road,
Ennis, Co. Clare, V95DXP2**

Tel: 065 6846333 Email: roads@clarecoco.ie