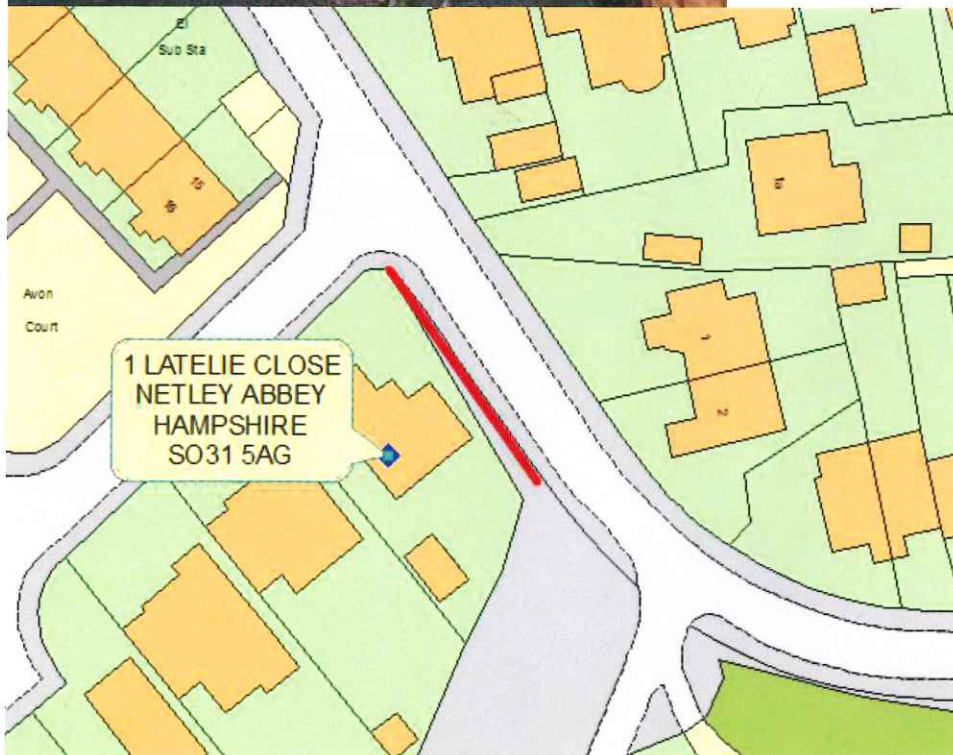




Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI

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Highways Operation Centre
Hampshire Highways
Trafalgar House North
Trafalgar Street
Winchester, Hampshire, SO23 9DH
Tel: 0300 555 1388 (Roads and Transport)
0300 555 1390 (Textphone)
Email: etehoc@hants.gov.uk
Web: www.hants.gov.uk

Owner / Occupier
1 Latelie Close
Netley Abbey
Hampshire
SO31 5AG

Enquiries to Highways Operation Centre
Date 30 July 2021

Our reference 21573078
Email address etehoc@hants.gov.uk

Dear Sir/Madam

Highways Act 1980 – Section 154(1)
Lopping of tree boughs, cutting back of hedges and other vegetation

Location: NETLEY LODGE CLOSE
Vegetation details: Overgrown vegetation obstructs or endangers the passage of pedestrians

It has been identified that the vegetation on the boundary of your property has grown onto the public highway (which includes a road, pavement or verge). If left unattended, encroachments can cause an obstruction for traffic and cause risk for wheelchair users, people with prams and buggies, mobility impaired, and blind or partially sighted people.

Attached to this letter are photos which shows the extent of the encroachment onto the highway. If you believe that you are not responsible for the vegetation in question, please let us know as soon as possible so that no further action is taken.

We acknowledge that we are currently in unique circumstances that may have an impact on the course of action you can potentially take. There is a requirement for social distancing/keeping safe to be applied when carrying out work on the highway, please follow the latest Government advice and guidance which can be found at <https://www.gov.uk/coronavirus>. You may wish to contact us for advice, please email using the details above or call us on 0300 555 1388. We will respond within 48 hours and please note that both email and phone calls are not monitored over the weekend or bank holidays, your patience is appreciated.

Director of Economy, Transport and Environment
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It is important to note that the vegetation needs to be cut back behind the boundary of your property so that it does not encroach onto the highway, allowing for subsequent seasonal growth. Where the vegetation on your property overhangs the highway, the minimum height clearance required is 2.1m above pavements and verges; 2.4m above cycleways; and 5.3m above roads.

Where possible, and safe to do so, we request that you, as the owner/occupier of the land, arrange for the encroaching vegetation to be removed within 21 days of the date of this letter.

Please contact us, quoting the reference number given above, to confirm that the works have been carried out. You can contact us via post or via the above email address.

If you do not provide us with an update within the specified time, we may ask that a Notice is served upon you under s154 Highways Act 1980 requiring that works be undertaken to remove the encroachment. A copy of the Notice will be placed on the Land Charges Register. This will be removed if the works are undertaken.

If you do not contact us within the time stated in the notice, we have the right to carry out the works on your behalf and to recover the associated costs from you. This includes the cost Hampshire County Council incurs should our contractor arrive at site and find that works have already been completed if we have not been notified.

We hope that we have explained why it is important that vegetation is kept cut back and we would welcome your co-operation in keeping the vegetation growing from your property under control.

Yours faithfully,


Chris Kennedy
Highways Support Officer
Highways Operation Centre

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI



Hampshire
County Council

Mr Dolby
1 Latelie Close
Netley Abbey
Hampshire
SO31 5AG

Highways Operation Centre
Hampshire Highways
Trafalgar House North
Trafalgar Street
Winchester, Hampshire, SO23 9DH
Tel: 0300 555 1388 (Roads and Transport)
0300 555 1390 (Textphone)
Email: roads@hants.gov.uk

Enquiries to Highways Operation Centre

Direct Line

Date 05 August 2021

My reference 21573078

Your reference

Email: etehoc@hants.gov.uk

Dear Mr Dolby,

Overgrown Vegetation - NETLEY LODGE CLOSE

We write further to your telephone call of 2nd August 2021 and subsequent contact from Councillor House following our letter of 30th July 2021 regarding the overgrown vegetation at the above location.

Having looked into this and checked land registry information, we can confirm that the vegetation in question as marked on the location plan on the letter is not within the land parcel of 1 Latelie Close, Netley Abbey, Hampshire SO31 5AG.

Please accept our apologies for any undue stress or inconvenience this has caused, and take this as written confirmation that no further action will be taken against you or your property. We would also confirm that we shall be taking steps to refer the matter to the appropriate landowner.

Thank you for bringing this matter to our attention.

Yours sincerely,

Daniel Brown
Highways Support Officer
Highways Operation Centre

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI



Hampshire
County Council

Mr John B Dalby
1 Latelie Close
Netley Abbey
Hampshire
SO31 5AG

Highways Operation Centre

Hampshire Highways

Trafalgar House North

Trafalgar Street

Winchester, Hampshire, SO23 9DH

Tel: 0300 555 1388 (Roads and Transport)
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Email: roads@hants.gov.uk

Web: www.hants.gov.uk

Enquiries to Highways Operation Centre

My reference 21573078

Direct Line

Your reference

Date 10 August 2021

Email

Dear Mr Dalby

Overgrown Vegetation - Netley Lodge Close

Thank you for your reply. I would firstly like to apologise for my mistake in the spelling of your name in my previous correspondence.

I can confirm that when stating no further action would be taken, I was referring to the section of our incorrectly issued letter of 30 July 2021 that stated if we did not receive a response we may have asked that a legal notice under Section 154 of the Highways Act 1980 was issued and if there was no response to this we may engage our contractors to undertake the works and look to recharge the costs. I wanted to provide reassurance that this would not happen in this case, and I apologise for any confusion this may have caused.

To offer an insight into our process, when engineers from our technical team ask for such letters to be sent, in the first instance if the property in question can be identified without, a land registry search is not carried out as there is a cost associated with this. If the ownership of the location of encroachment can only be determined via a land registry search we would carry out the search. When we have to resort to issuing the Section 154 notice, it is a requirement that the land registry search is carried out so the landowner can be addressed fully. So the land registry search is carried out only when required to proceed with the process. It is unfortunate that when this enquiry was handled for the letter of 30th July 2021 to be sent, it was incorrectly assumed that the area marked by our engineer on his location plan was the boundary of your property, so the land registry search was not carried out. Having looked into the enquiry myself, I can see that the land registry search should have been undertaken, and as you rightly say had this have happened you would not have received this letter. I hope this may offer an

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