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Who cuts the hedge? Roads, verges and ditches in Northern Ireland

The law defines the road. It does not define the hedge, the ditch or the line between them. This briefing sets out who cuts, who pays, who regulates, and where the gap is.

IN SUMMARY

- **Roadside hedges are cut by the landowner, at the landowner's cost.** No current payment for trimming was found. Two information requests would settle the point.
- **The verge is part of the road.** The Department for Infrastructure controls and cuts it, though the soil beneath usually belongs to the neighbour.
- **The law defines the road, but not the hedge, the ditch or the road boundary.**
- **The departments do not truly conflict.** A closed period from 1 March to 31 August, with a road-safety exception, joins the two sets of rules. Nothing limits how hard or how often a hedge is cut in autumn and winter.
- **The Department can dig a road drain on adjoining land without consent,** must compensate for damage in doing so, but has a discretion, not a duty, to keep it clear.

1. Definitions

Term	Defined in law?	What it says
Road	Yes	A public road, that is, one maintainable by the Department. Roads (Northern Ireland) Order 1993, Article 2. Defined by who maintains it, not by its surface.
Verge	Once, narrowly	"the unpaved area flanking a carriageway and forming part of the road". Road Traffic (Northern Ireland) Order 1995, Article 30(4), for that article only.
Hedge	Not in roads law	Departmental policy: "a fence or boundary formed by closely growing bushes or shrubs". The High Hedges Act (Northern Ireland) 2011 defines a "high hedge" for light to homes only.
Ditch	No	Article 47 of the Roads Order uses the word without defining it.
Road boundary	No	A question of fact for each stretch. In England and Wales courts presume a highway runs hedge to hedge; no Northern Ireland authority for that was found.

- The soil under most roads and verges is registered to adjacent landowners, usually to the centre line. The Department controls the surface. Ownership and control are separate.
- The Land Registry map is not conclusive as to boundaries. Adjoining owners may apply jointly to have a boundary entered as conclusive.

2. Who cuts and who pays

What	Who does it	Who pays
Verge grass	The Department's contractors	The Department
Farm hedges on the roadside	The farmer, or a hired contractor	The farmer
Hedges hiding a sign or new scheme	Sometimes the Department	The Department
Hedges on Departmental land, or new hedges for three years after road works	The Department	The Department

- The owner or occupier of land beside a road is responsible for its hedges and trees (nidirect). Clearance: 5.5 metres over a road, 2.4 metres over a footway.
- Article 50 lets the Department serve a notice. Under Article 58 the owner has at least 21 days, may appeal, and commits an offence by ignoring it; the Department may do the work and recover its costs.
- Farming with Nature pays £6.49 a metre for new hedges and lists nothing for managing existing ones. Older schemes paid for boundary work; whether any still pay was not confirmed.
- England pays £13 per 100 metres, per side, per year, to manage hedges. Councils in England and Wales cut verges, not farm hedges (Highways Act 1980, section 154).

3. Who regulates hedge cutting

Matter	Who enforces	Reach
Cutting from 1 March to 31 August	DAERA, by inspection and payment penalty (Standard 2, in force 1 January 2026)	Farmers claiming the area payment
Destroying a nest in use	Police (Wildlife Order 1985, Article 4)	Everyone
Removing a hedge, wall or bank	DAERA, by permission and 110% replacement (Standard 3)	Claimants
Hedge obstructing a road	Department for Infrastructure, by notice	Everyone
How hard or how often a hedge is cut	Nobody	—

DAERA advises cutting one year in three. That is advice only. Road-safety cutting is allowed in the closed period on the road-facing side, with evidence of the need.

4. Road drains and ditches

- **Grips** cut through the verge are the Department's. A **roadside ditch** along the boundary is normally the landowner's, unless the Department dug it.
- Article 45 of the Roads Order lets the Department construct road drains in a road or on adjoining land, and requires compensation for damage caused in doing so.
- In Donnelly v Department for Infrastructure (Lands Tribunal, 16 February 2023) the Tribunal held that keeping a drain clear is a discretion, not a duty, and that compensation does not cover a failure to clear one.
- Watercourses not designated for public maintenance are the riparian landowner's responsibility. Works affecting a watercourse need consent under Schedule 6 of the Drainage (Northern Ireland) Order 1973.
- Polluting a waterway is an offence, knowingly or otherwise (Water (Northern Ireland) Order 1999, Article 7). The Northern Ireland Environment Agency hotline is 0800 80 70 60.

5. Private boundaries in brief

- No general duty to fence against a neighbour was found. The keeper of livestock is strictly liable if it strays (Animals (Northern Ireland) Order 1976, Article 5).
- A fence on your own land needs no neighbour's permission. Up to 2 metres is permitted development, 1 metre beside a road (2015 Order, Part 3).

6. Not verified

- Northern Ireland case law on roadside hedge liability, shared boundary hedges, the hedge-to-hedge presumption and natural drainage between neighbours.

- The full text of Articles 45 and 46 of the Roads Order.
- Whether any legacy scheme still pays for field boundary management, and how many Article 50 notices are served each year.

Robert J. Park is an independent environmental, carbon and public-affairs consultant in Larne. robert@robertjpark.co.uk · 07450 349480 · WhatsApp @robertjpark