

**MINUTES OF THE MEETING OF MAUGHOLD PARISH COMMISSIONERS WITH
REPRESENTATIVES FROM HIGHWAYS DIVISION OF DOI
HELD ON Monday 27th of FEBRUARY 2012, 5.00 PM AT DHOON CHURCH HALL**

5.00 pm Meeting regarding Highways matters.

Present: Mr Richard Pearson, Director of Highways, Mr Bill Corlett, Senior Highways Engineer.
Members Present: Mr R. Moughtin (Chair), Mr M Cowley, Mrs H. Lace CP.
Clerk: M. Royle.

Apologies: Mrs Stephens, Mrs Fargher.

1. Discussion of current hedge-cutting practice and the role of the Commissioners.

Mr Moughtin thanked Mr Pearson and Mr Corlett for attending. The discussion began with a debate about responsibilities for hedgecutting. Mr Corlett outlined that in the vast majority of instances the landowner was responsible for maintaining their hedge. Mr Corlett stated that in general, although deeds may show the boundary as the middle of the hedge, a landowners responsibility extended to the middle of the highway. Mr Moughtin said that this was not how the situation was perceived by landowners, particularly farmers. Mr Corlett reaffirmed his statement that the landowner had responsibility to the middle of the road.

Mr Corlett stated that the Department was rarely the landowner. He also stated that the Department's only obligation was to cut hedges when there was a road safety issue. Mrs Lace asked why it had taken more than 60 years for the Department to state this position. Mr Pearson answered that the cutting of hedges had been a service that was largely provided without any statutory obligation. In the current financial circumstances the Department was reverting to fulfilling these statutory obligations which related to road safety.

Mr Moughtin raised a concern with potential litigation if there was an accident and hedges had not been cut by either government or local authority. He asked if either party could be considered liable. Mr Corlett stated that any litigation would have to be taken against the landowner; not any government authority. Mr Moughtin suggested that landowners be advised that they were liable in the event of legal action be taken.

Mr Cowley commented that frustration had been caused for several years due to unclear and contradictory statements from the Department in regard to hedge cutting policy. He stated that the Commissioners could accept matters if a clear statement was made and followed in practice. Mr Corlett stated that the amount of hedge cutting undertaken depended on available resources at that time: this had perhaps led to perceived changes in practice.

The method by which potential road safety problems on the highway are monitored were also discussed. Mr Pearson said that the emphasis was placed on checking hedge growth at junctions and clearing walkways of overgrowth. Mr Corlett advised that the public and local authorities had an important role in notifying them of safety concerns in this regard. These would be promptly checked and, where necessary, resolved.

Mr Pearson proposed a 'partnership' approach to hedgecutting and suggested that powers could be delegated to allow the Commissioners to arrange for a contractor to cut hedges in the Parish. There were various possibilities including a joint approach where the Department cut at junctions, etc for road safety reasons and the Commissioners cut for aesthetic reasons at other locations. The various landowners could be charged for this service.

There followed general discussion of this proposal in which various levels of co-operation and joint working were considered. The Commissioners agreed to discuss the 'partnership' suggestion at their next meeting.

2. To brief Mr Pearson on the Commissioners' concerns regarding Road Safety Issues outside Dhoon School.

Mr Pearson and Mr Corlett were briefed on the local concerns in regard to the safety of children walking to and from school on the A2. The measures taken, including moving the bus stop and the additional bus-stop at the bottom of Ballagorry Drive were outlined and discussed. Mr Pearson advised that other schemes to move the pavement and calm traffic had been considered, but the Department considered that the costs could not be justified due to the small number of children who access school on foot. He advised that the hedge on the pathway had been cut back and its growth would be monitored. Any reports from public or local authority in regard to overgrowth of this hedge would be assessed and any necessary cutting would take place promptly.

3. Any Other Highways related Matters.

No further matters were discussed.

Mr Moughtin thanked Mr Pearson and Mr Corlett for attending and closed the meeting.