

Who put that there!

The barriers to blind and partially sighted people getting out and about

Overhanging shrubbery and branches

Many campaigners have described the problems caused by overhanging branches and shrubbery when walking around their local area, particularly in the summer months.

As Paul told us, “I think that very little is done to tackle shrubbery which spills from residential properties and past their property boundaries. For me, as a Guide Dog user, this is a nightmare especially on narrow paths as it causes my dog to take a wider line and head towards the road, or alternatively puts us dangerously close to other obstacles. Overhanging foliage which often catches me in the face, rose bushes are the worst.”

The Law

There is a significant amount of legislation, regulations and guidance which are relevant to blind and partially sighted people’s access to the street environment.

Keeping the streets clear

Under the Highways Act 1980 it is the duty of the highway authority to assert and protect the rights of the public to use and enjoy the highway (the term ‘highway’ in this instance meaning pavements). They also have a duty to prevent obstruction to the highway (again this means keeping streets clear!).

So streets should be kept clear of obstacles and clutter, enabling people to walk along them without any problems.

Section 154 of the Highways Act enables local authorities to require the owners or occupiers of land to remove overhanging branches and hedges which cause an obstruction or inconvenience to pedestrians. Local Authorities will also be liable for any damage/injury resulting from overhanging branches etc as a result of the law relating to nuisance

where they are aware (or ought reasonably to have been aware) of the nuisance or danger caused by the branches.

Providing accessible information to all

The Equality Act 2010 makes it unlawful for public authorities, including highways authorities, to discriminate in the exercise of a public function. They also have a duty to make reasonable adjustments including changing practices, policies and procedures which have a discriminating effect and to take reasonable steps to enable disabled people to avoid substantial disadvantages caused by physical features. The Act also requires local authorities to provide information that is accessible for everyone.

What we think should happen

Local authorities should explore the following options, with blind and partially sighted people for inclusion in their 'street charter':

- Set up accessible ways for blind and partially sighted people to report overgrown shrubbery and branches.
- Act swiftly upon these reports by alerting the residents or taking action if it is a council owned property.
- Run awareness campaigns to encourage residents to be considerate in managing their shrubbery and trees.

For more information contact

Please visit www.nib.org.uk/onmystreet for access to more information and resources.

RNIB have Regional Campaign Officers all over England (and campaigns teams in Northern Ireland, Scotland and Wales).

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References

[1] Who put that there! – RNIB Campaign Report, February 2015

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