



Cultivation Licence Guidance and Standard Conditions (Licence to plant)

Guidance Notes

A. Legal Requirements

You must first obtain a licence from Hertfordshire County Council before you can plant any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £200 for each offence and 50 pence for each day the offence continues. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of the planting.

B. Application Process

A completed application together with the non-refundable application fee and the plan showing the area the subject of the application must be submitted to Herts Highways before any planting is placed in the highway. You should keep a copy of the submitted application. You must allow a minimum of 10 working days from date of receipt by Herts Highways to process your request for a licence. A site meeting may be required. You will be advised in writing the outcome of your application together with any additional conditions imposed.

The application fee for each application will be £85 (non-refundable).

The applicant must take out and maintain public liability insurance for a sum of at least ten million pounds (£10,000,000) in respect of any one claim and shall on request by Hertfordshire County Council produce for inspection the relevant policies of insurance together with receipts for the premiums paid.

The Licensee shall pay to the Council on the granting of this licence the sum of £620 in respect of the legal and other expenses incurred by the Council in connection with the grant of the licence for an initial five year period and at each succeeding five year period during the continuance in force of this licence.

Applying for a licence does not guarantee that a licence will be issued. Planting will only be permitted on the highway if it is safe to do so. A licence can only be granted to you if you are the owner and/or occupier of the property adjoining the highway for which you wish to plant. Proof of ownership (such as title documents) or occupation (such as a copy of a lease) will need to be submitted with your application. Licences will not usually be granted to occupiers with a lease term shorter than twelve months or if the applicant cannot evidence at least two years occupation of the property.

The licence is personal to you and will end in the event you sell or vacate the property.

C. Conditions of Granted Licences

Standard conditions as attached to this form will apply to all licences granted by Herts Highways. Additional conditions specific to individual circumstances may also be imposed by Herts Highways when granting a licence.

D. Contact Details

All applications should be sent by email to Hertfordshire County Council at the following address:

North Herts (covering Stevenage & North Herts) nm.north@hertfordshire.gov.uk

East Herts (East Herts & Broxbourne) nm.east@hertfordshire.gov.uk

Mid Herts (covering St Albans, Welwyn & Hatfield, Hertsmere) nm.mid@hertfordshire.gov.uk

South West Herts (covering Watford, Three Rivers, Dacorum) nm.southwest@hertfordshire.gov.uk

If you have any queries or require further information please contact us at the above email address' or on telephone number 0300 123 4047

E. Data Protection Act 2018

Why we need your information

The data on this form is being gathered for the purpose of obtaining a cultivation licence on the highway. Hertfordshire County Council will use this information to process the licence.

Hertfordshire County Council is obliged to collect and process this data under Section 142 of the Highways Act 1980.

What we will do with your information

The information you give us will be held by the Licence and Enforcement Team, Environment and Infrastructure and will only be used to process the licence.

We will only information with third parties if we are legally obliged to do so, for example if it necessary to safeguard or protect a child.

We may also share information with the police or other agencies if it is necessary for the following purposes:

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders
- c) the assessment or collection of any tax or duty or any imposition of a similar nature

How long we will keep your information

The information that you supply to us will be kept on file for 7 years.

[To view the County Council's privacy policy here](#)

Licence to Plant within the Highway Standard Conditions

The following conditions must be observed in respect of all materials stored on the public highway:

Type and Nature of Planting

1. Licence is granted for the planting of trees shrubs and other vegetation in the area specified in the application form and must at all times comply with the following:
 - a. No hole shall be dug to a greater depth than 0.4m in connection with the planting of trees, shrubs or plants covered by this licence, nor shall any hole be dug within 1.0m of the line of any apparatus of statutory undertakers, sewer authorities or licensed telecommunications operators
 - b. No tree, shrub or plant of a poisonous nature, or otherwise likely to constitute a source of danger to persons or animals on the highway, shall be planted
 - c. No tree, shrub or plant shall exceed 0.6m in height
 - d. No Ash Beech or Cherry trees shall be planted within 7.5 metres of the carriageway;
 - e. No Birch or Damson shrubs shall be planted within 5 metres of the carriageway;
 - f. No Hawthorn trees shall be planted within 4 metres of the carriageway; and
 - g. No Sycamore trees shall be planted

Maintenance of Planting

2. All planting to which this licence relates shall be properly cut pruned and trimmed at all times during the continuance of this licence and no such tree, shrub or plant shall be allowed to obstruct, overhang or interfere in any way with or become a danger to passage along the carriageway or footway or to overhang the premises of any person other than the licensee
3. The applicant shall keep the part of the highway to which the licence relates in a neat and tidy condition. All grass shall be regularly cut
4. The applicant shall not remove any soil or materials from any part of the public highway or otherwise do anything that would interfere with the support given to the rest of the highway
5. The planting shall not obstruct visibility of junctions, road signs, traffic lights or other street furniture or interfere with the traffic flow
6. All traffic management required to install or maintain the planting shall comply with Safety at Street Works and Road Works - A Code of Practice

Highway Condition

7. Applicants should inspect the highway street furniture and statutory undertaker's equipment and apparatus before planting and report any damage to the Authority. Failure to do so will imply that the highway is in good order and the applicant will be charged for repairs to any damage subsequently reported

Expiry and Breaches of Licence

8. This licence is personal to the applicant and will expire either at the end of the period specified in the application form or immediately upon the applicant transferring their interest in the adjoining property or vacating the adjoining property specified in the application form (whichever occurs first). The applicant must inform Herts Highways within one month of any change in ownership in the property or their vacation of the property.
9. The applicant must notify Herts Highways in writing no later than ten working days after removal of the planting from the highway. If the applicant fails to provide such notice then it shall be deemed the condition of the highway upon removal of the materials is that condition as of the date Herts Highways becomes aware of the removal and inspects the highway
10. The highway may be inspected upon removal of the materials and any damage to the highway shall be recharged to the applicant
11. No planting shall remain on the highway once the licence has expired
12. Right is reserved to remove the planting from the highway without notice if conditions of the licence have not been complied with. Costs will be recharged to the applicant
13. All planting on the highway without a licence will be removed without notice. Cost will be charged to the owner of the planting and/or the person that has directed the planting. Planting is not to commence until a licence has been issued
14. If the applicant wishes to extend or renew the licence a further application will need to be made to Herts Highways. The application must be received no later than twenty working days before the expiry of the current licence

Legal Indemnity

15. Without prejudice to section 142 (6) of the Highways Act 1980 the applicant indemnifies and saves harmless Hertfordshire County Council and/or its officers and agents against and from all claims, demands, actions, costs and damages however arising out of by or in consequence of the planting on the highway.

Miscellaneous Provisions

16. Additional conditions may apply and these may be determined by a site visit prior to a licence being issued. These additional conditions form part of the licence
17. Right is reserved to request the removal of the planting should Herts Highways deem this necessary in the event of an emergency or for operational requirement
18. The applicant shall immediately remove the planting at the request of any statutory undertaker who requires the site
19. Person authorised by the highway authority or any statutory undertaker, sewage authority, or holder of a telecommunications licence may at any time enter the part of the highway to which this licence relates in order to carry out authorised works