

Planting (Cultivation) Licence Guidance and Standard Conditions

Guidance Notes

A. Legal Requirements

You must first obtain a licence from Hertfordshire County Council before you can plant on any part of the highway which includes all verges. 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 (cheque or BACS payment are accepted- please request BACS information) along with a plan showing the area within the application, must be submitted to Hertfordshire County Council to obtain approval before any planting is placed on the highway. All applications must also provide a copy (not original) of a £10 million public liability insurance certificate before they are considered. You should keep a copy of the submitted application. 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 Licensee shall pay to the Council on the granting of this licence a further sum dependent on legal and other expenses incurred by the Council in connection with granting 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 on 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

Highways Act 1980 Section 142

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

D. Contact Details

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

highwaylicences@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 planting 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 share 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

Highways Act 1980 Section 142

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](#)

Planting Licence

Standard Conditions

The following conditions must be observed in respect of planting 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 400mm 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 600mm 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 5.0 metres of the carriageway
 - f. No Hawthorn trees shall be planted within 4.0 metres of the nearest edge of the carriageway
 - g. No Sycamore trees shall be planted

Highways Act 1980 Section 142

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. For further information and to request traffic management on the highway, please contact Hertfordshire County Council's Network Management team.

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 Hertfordshire County Council within one month of any change in ownership in the property or their vacation of the property
9. The applicant must notify Hertfordshire County Council 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 Hertfordshire County Council becomes aware of the removal and inspects the highway

Highways Act 1980 Section 142

10. The highway may be inspected upon completion of planting works 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. Costs 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 Hertfordshire County Council. The application must be received no later than three months 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 harm for 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 Hertfordshire County Council 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