

West Sussex County Council Highways Licence to Plant in the Highway Highways Act 1980 (Section 142)

Guidance Notes for Individual Applicants

The aim of the licencing procedure is to enable private individuals to plant on highway land where local authority funds are not available. Section 142 of the Highways Act 1980 empowers the Highway Authority to grant a licence permitting the owner/occupier of any premises adjoining the highway to plant and maintain or to retain and maintain shrubs, plants or grass in the highway.

Please be aware of the following points:

1. The verge must be a minimum of 2 metres (6 feet 6 inches) wide before planting is considered. Planting must be at a minimum distance of 1.2 metres (4 feet) from the edge of the carriageway.
2. The planting of shrubs and other plants are permitted depending on the location. Please do not select a species of plant that is prickly for planting adjacent to footpaths.
3. Hedges and enclosures of any form (e.g. fences) are not permitted.
4. The applicant must be either the owner or occupier of the property adjoining the highway (i.e. fronting the verge in question) and should state so if they are not the owner.
5. The licence will be issued to plant and maintain. The form of licence which is normally used is assignable and is granted to the owner/occupier of the premises adjoining the Highway and their successors in title i.e. any subsequent owner/occupier. If any variation to this is intended, please supply full details to accompany the application form. No charge is made for the licence.
6. The licensee shall indemnify the Highway Authority against any claim in respect of injury, damage or loss arising out of the planting or presence in the highway of shrubs, plants or grass to which the licence relates.
7. In some cases permission for planting can be requested for an area which is not adjoining the applicant's property. In this instance the Parish, Town or District Council may agree to make an application on the applicant's behalf.
WI 028 GN 001 v1.1 Guidance Notes for Planting in the Highway 30/10/2014.

Application Procedure

Application forms for licences can be obtained from the WSCC Contact Centre or the WSCC web site.

1. Sections numbered 1 to 8 should be filled in by the applicant and the form returned to the appropriate Highways Area Team. It should be accompanied by 5 copies of a plan or drawing showing the PRECISE LOCATION of the proposed planting scheme and possible sight lines which have to be preserved.

2. A Highways Area Team member will inspect the site to assess visibility requirements and will liaise with utility providers to establish the presence of any underground apparatus which may be affected by the planting proposal. The Parish Council will also be consulted and any objections resolved before a licence is granted.

3. In certain circumstances, it may be that the proposed licensee would wish to 'dedicate' the shrubs etc. Any 'dedication' has to be approved by the Director of Highways & Transport, but funds are not available for maintenance, and so the responsibility for maintenance is that of the Licensee.

4. If the application is approved the licence will be issued by the Director of Highways & Transport.