

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

## Guidance Notes for Parish, District and Borough Councils Applicants

The aim of the licencing procedure is to enable Parish, District and Borough Councils to plant on highway land where highway authority funds are not available. Section 142 of the Highways Act 1980 empowers the Highway Authority to grant a licence permitting the Parish/District or Borough Council to plant and maintain trees on the highway.

Please be aware of the following points:

1. No charge will be made for this licence.
2. A tree would not be considered for planting if the width of the mature tree comes within 450mm of the edge of the carriageway.
3. Planting should not be near underground services or overhead cables. This would not be considered due to possible interference when tree is fully grown.
4. We would not allow planting in hard surface / paved area unless has an approved root barrier system in place.
5. We would not allow planting, if there could be sight line issues when the tree becomes fully grown as it may restrict visibility for pedestrians and road users.
6. Undertaking Licence to plant the Parish would be solely responsible to plant and maintain the tree for the duration of its life unless licence is contravened or if WSCC withdraws said licence.
7. It is the responsibility of the applicant to ensure they notify local resident/s particularly the owner of the house the tree intends to be planted outside of.
8. 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 trees to which the licence relates.
9. No tree to be planted on the highway, without a visit from WSCC Arboriculturist to agree location and specie.
10. Location plans to be provided along with application
11. Tree species must be agreed with West Sussex County Council Arboriculturist. Edible fruit bearing trees will not be considered along with trees that may pose a source of danger to persons or animals
12. The minimum planting stock size is a standard as described in British Standard 3936 (8-10cm girth 2.0-3.0m tall)
13. Tree must be planted with a suitable stake, tie, water tube, mulch, and strimmer guard.
14. The applicant is responsible to obtain appropriate stats to check for utilities before planting. The County Council may be able to supply these.
15. Regular inspections to be made and works to be undertaken to ensure reasonable safety to all users of the public highway
16. Any works undertaken on the public highway must be undertaken by operatives with valid CSCS Operative and CSCS Supervisor Card and appropriate NRSWA Elements 1 – 3 training.

17. The Licence shall remain in full force until withdrawn by the Council. In the event of the Licensee surrendering the Licence. The Licensee agrees to pay to the Council the sum of two hundred pounds (£200.00) in respect of each tree so planted as a contribution towards the future costs of the Council maintaining such trees

### **Application Procedure**

1. Application should be applied for by visiting WSCC website 'Tree Planting' page.
2. Your application will be passed over to a WSCC Arboriculturist for further checking of site and species. The Arboriculturist will then be in contact with the applicant to finalise the application.
3. The finalised application will be forwarded to our Legal Department who will raise the licence. This licence will be sent to the applicant for them to sign, which **must** be sent back to WSCC for their signature. Once both parties have signed a copy it will be sent to the Parish/Borough/District and a hard copy of the Licence will be sent to Modern Records for storage.

***Please note the licence must have both signatures on for the licence to be legal.***

4. When both parties have signed the licence, planting can commence.
5. Once planting has taken place WSCC **must** be notified.