

## **EAST SUSSEX HIGHWAYS**

### **GUIDANCE NOTES FOR APPLICATIONS HIGHWAYS ACT 1980 SECTION 142 LICENCE TO PLANT & MAINTAIN VEGETATION IN THE HIGHWAY**

#### **1. BACKGROUND**

1. In general terms a Highway Authority is duty bound to manage and maintain highways and in exercising these duties has to take necessary measures to enable its highways to be kept free from unlawful obstruction.
2. The highway extent often includes the verge beneath which utilities and apparatus are buried and it is the highway authority's duty to ensure these are protected.
3. Persons wishing to plant shrubs, trees and other cultivation on the highway must first apply for a licence to do so, and the following paragraphs explain the procedure.
4. Please note that various conditions are likely to be made on the issuing of a licence (see Appendix "A" of the Application Form) and should any of these be breached the licence shall become null and void and any planting shall then be regarded as unauthorised obstructions on the highway and subject to action to remove.

#### **2. PROCEDURE FOR APPLICATION TO PLANT VEGETATION ON THE HIGHWAY**

1. Applications must be made on the accompanying forms and it is important to provide all the information requested.
2. The application form will ask for a copy of a plan clearly showing the positions where vegetation is proposed to be placed; this plan must accompany the completed application form.
3. On receipt of a completed application form together with the plan, the Area Highway Manager will investigate the site. Unless there are complicating factors you should hear within four weeks whether (i) the application is acceptable and a licence is granted or (ii) the application would be acceptable should the stated modifications be made or (iii) the application is refused (in which case reasons will be given).
4. In the event of the response being (i) or (ii) above, conditions concerning the granting of the licence shall be made.
5. If other parties have an interest in the property (e.g. if the property is not occupied by the owner, or is shared or divided into flats), all parties must sign the application. We also ask that your immediate neighbours are consulted before you make your application and a form is enclosed to gain consent as appropriate and to return to us with your completed application form. Should it come to light that this condition has not been met any licence issued may be null and void. We also reserve the right to consult with the parish / town council.

6. The name(s) entered on the form by the applicant will be used by East Sussex Highways should a licence be issued, and the address entered will be used for all related correspondence unless the application requests otherwise.
7. The completed form, together with the plan described shall be submitted to the address given on the Application Form.
8. The licensee will be required to indemnify East Sussex Highways against any claim arising from or in consequence of the planting on the highway, and he will be strongly advised to see that this insurance covers this eventuality. For guidance the highway authority carries cover against similar claims up to £10,000,000.

### **3. CONDITIONS APPLYING TO LICENCE**

1. The plants and shrubs are to be kept in good order, attended and weeded.
2. The erection of fences, walls, structures etc on the land is not permitted.
3. Plants must not overhang or protrude over the carriageway/footway. And vegetation is not to be planted or allowed to grow to a height where drivers' visibility may be obstructed.
4. The Licensee is responsible for cutting the grass surrounding the plants and shrubs
5. The licence is granted and remains in force only to the persons nominated on the application form and unless otherwise agreed by the Network Manager could be become null and void should the Licensee cease to have the interest stated.
6. East Sussex Highways reserves the right to revoke the licence at any time and for any reason, and in this event the licensee has no right of appeal or right of compensation.

If you need further advice on any aspect of your application, please contact the Network Manager's office at:

**Network Management  
East Sussex Highways  
The Broyle  
Ringmer  
East Sussex  
BN8 5NP  
Tel: 0345 60 80 193  
Email: [customer@eastsussexhighways.com](mailto:customer@eastsussexhighways.com)**

**East Sussex Highways**  
**Application Form – Licence to plant vegetation in the Highway(Section 142 / Section 96 of the Highways Act 1980)**

1.	Full name and address of the Applicant(s) (including Forenames)	
2.	Address / location of premises (including geo-location) adjoining the Highway in respect of which the Licence is required.	
3.	Owner / Freeholder of these premises if different to above	
4.	Are the posts / objects / plants / trees already in the highway or to be placed at a future date?	
5.	Full details of the objects / trees / plants including depth of trenches, height of objects/ plants and total expanse to be covered	
6.	Please provide any additional relevant information	
7.	Contact Number Email Address	
8.	<p>Before submitting your application, please sign the following declaration:-</p> <p>I/We, the undersigned, submit this application for permission to plant vegetation on the highway, have read the Guidance Notes, and understand the conditions attached to the submission of this application. I enclose a plan and the fee payable must be paid before the licence is processed (Please see the current ESH fee structure on <a href="https://www.eastsussehighways.com/application-forms">https://www.eastsussehighways.com/application-forms</a>).</p> <p>Signed: _____ Date: _____</p>	





## **Plan**

**(Showing location including geo-location)**

**You must also include the number of plants, type of plant(s), which must include the variety and potential mature spread to be cultivated.**