

Highways Act 1980 – Section 142

Application for a licence to cultivate part of the public highway

PART 1 Applicant Details

(Please enter the details of the person applying for the issue of a Licence).

Name

Address

..... Postal Code

Telephone No. e-mail

PART 2 Licence Details

(please enter the details of the person or company to whom the licence is to be issued)

Person/Company Name (This must be the owner or occupier of the premises adjoining the part of the public highway to be cultivated)

.....

Address / Registered Office

.....

..... Postal Code

Company No. (if applicable)

Period of Licence (5 or 10 years only)

Assignment of Licence (Please tick one box only)

- Is the Licence to be granted to the applicant only and not transferable.
- OR
- Will the Licence transfer to any successors, in title, of the premises.

Description of public highway to be cultivated (You must include a plan, scale 1:1250, on which the precise location of the area of highway to be cultivated is clearly stated and identified by shading)

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PART 3 Notes to Applicant

1. The applicant must enclose with this application proof that the person/company in PART 2 holds Public Liability Insurance of not less than £5 million.
2. The applicant must ensure that they have read and understand the conditions overleaf and ensure that the person/company in PART 2 understands that they must comply with them.
3. A fee, payable prior to issue of the licence, is charged for the grant and administration of the licence.
4. No refunds shall be given for a withdrawn licence.

I hereby apply for a Licence to cultivate part of the public highway subject to the conditions contained in this application and/or any special condition inserted into the Licence as required by Swindon Borough Council as the Highway Authority.

Signature of Applicant (By completing and signing this application you are asserting that you have authority to act on behalf of the person/company in PART 2 and that you have read and understood the conditions overleaf)

..... Date

Please return the completed form to

Swindon Borough Council, Service Delivery Highways & Transport, 3rd floor Wat Tyler House West, Beckhampton Street, Swindon SN1 2JH Tel: 01793 466401 Email: highwayrecords@swindon.gov.uk

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Conditions of Licence made under Section 142 of the Highways Act 1980

1. Swindon Borough Council, as Highway Authority, may grant Licences under Section 142 of the Highways Act 1980, which permits only the occupier or the owner of premises adjoining the highway to either plant, retain or maintain trees, shrubs, plants or grass in such part of the highway.
2. Swindon Borough Council, as Highway Authority, may grant a Licence under section 142 of the Highway Act 1980:
 - (a) to the person who at the time of the grant is the occupier of such premises and insert in the Licence provisions prohibiting assignment of the Licence and providing for its duration or
 - (b) to the owner/occupier of such premises and any successors in title and insert in the Licence provisions providing for the Licence to be annexed to those premises and providing for its duration
3. No person shall plant, retain or maintain trees, shrubs, plants or grass in such part of the highway otherwise than in accordance with the terms and conditions of said Licence.
4. The Licensee must inform the Highway Authority within one month in the event of a change in ownership of the premises.
5. Swindon Borough Council, as Highway Authority, may attach to any such Licence such conditions as considered necessary to ensure the safety and convenience of users of the highway and to prevent traffic being delayed, to prevent any obstruction and to protect the apparatus of statutory undertakers, sewerage undertakers and telecommunications undertakers.
6. Swindon Borough Council, as Highway Authority, may by notice served on the Licensee withdraw a Licence granted:
 - (a) on the expiration of any such period as specified in the notice, not being a period of not less than 7 days beginning with the date of service of the notice on the Licensee, if any such condition of the Licence is contravened by the Licensee;
 - (b) on the expiration of such period as may be so specified, being a period of not less than 3 months beginning with the said date, if the Highway Authority consider the withdrawal of the Licence is necessary for the purpose of the exercise of their functions as a Highway Authority.
7. Where a Licence expires, is withdrawn or surrendered, Swindon Borough Council, as Highway Authority, may
 - (a) remove all or any of the trees, shrubs, plants or grass to which the Licence relates and reinstate the highway and may recover expenses reasonably incurred by them in so doing from the last Licensee; or
 - (b) if satisfied that the Last Licensee can, within such reasonable time as the Highway Authority may specify, remove such trees, shrubs, plants, or grass, or such of the them as they may specify and reinstate the highway, may authorise him to do so at his own expense.

The Last Licensee means the person who immediately before the expiration, withdrawal or surrender of the Licence was the Licensee or, if that person has died, his personal representatives.
8. The Licensee or the Last Licensee shall indemnify Swindon Borough Council, as Highway Authority, in respect of any Third Party claims or demands, in respect of injury, damage or loss arising out of:
 - (a) the planting or presence, in a highway of trees, shrubs, plants or grass to which the highway relates, or
 - (b) the execution by any person of any works authorised by the Licence or by the Highway Authority as mentioned above in (6), or
 - (c) the execution by or on behalf of the Highway Authority of any works under subsection as mentioned above in (6).
9. Except where agreed as part of the Licence no part of the highway may be closed, AT ANY TIME, without the consent of the Highway Authority.
10. No tree, shrub or plant to which the Licence relates must be of a poisonous nature, or is likely to constitute a danger to persons or animals on the highway to be planted.
11. All trees, shrubs, plants or grass to which the Licence relates shall be properly cut, pruned and trimmed at all times during the continuance of the Licence and no such tree, shrub, plant be allowed to obstruct, overhang, or interfere in any way with, or become a danger to the passage along the carriageway or footway, or to overhang the premises of any person other than the Licensee.
12. The Licensee shall keep the part of the highway to which the Licence relates in a trim and tidy condition and all grass shall be regularly cut or mown.
13. The Licensee shall not remove any soil or material from any part of the public highway or otherwise do anything that would interfere with the support given to the rest of the highway.
14. Persons authorised by the Highway Authority or any Statutory Undertaker, Sewerage Undertaker or Telecommunications Undertaker may at any time enter the part of the highway to which the Licence relates in order to carry out Authorised Works.
15. All works relating to the Licence must be carried out under the surveillance of the Highway Authority.
16. A fee is charged in respect of legal and other expenses incurred in connection with the grant of a Licence and this fee includes an annual charge for administrating the Licence during its term.
17. All applicants will be notified of any fees before entering into the Licence.
18. Providing an application to renew an existing Licence, on its current terms, is received within 28 days of the expiry of its term then a renewal fee will be charged and the renewed Licence will commence from the day after the expiry of the previous Licence, applications received outside of this 28 day period will otherwise incur the standard charge in force at the time for granting a new Licence.

[END]

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