

Licences & Consent to Cultivate the Highway

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Procedure SP03-01-G12

Revision 10 (27 July 2022)

SCOPE

Purpose

- This procedure deals with requests to undertake planting upon the public highway.
- Private individuals - Current policy excludes individuals from planting trees on the highway, however, under section 142 of the Highways Act 1980, a licence may be granted to permit the occupier or owner of any premises adjoining the highway to plant, retain and maintain shrubs, plants or grass in the highway. Other individuals cannot be licensed.
- Parish/District/City Councils - Under section 96 of the Highways Act 1980, consent can be given to plant retain and maintain shrubs, plants or grass and trees

General

- Norfolk County Council delegate powers to third parties for some routine maintenance activities including urban and rural grass cutting, sign washing, winter footway gritting. Details can be found [here](#) including templates for agreements.

Responsibilities

- Research & Information Officer Network Management - RI (NM)
- Highway Engineer (HE)
- Natural Environment Team (NET)
- Norwich City Tree Officer (CTO)

Detail

Private Individuals.

- The following conditions apply in all instances and are not to be varied or amended without the agreement of the Head of Law: -
 - No trees
 - No fencing, walls, stones, posts or hedges
 - No buildings or sheds
 - No poisonous or harmful plants (sprinkling general wildflower seed can be detrimental to natural fauna. Additional guidance can be found here at [Plant-life.love wildflowers campaign](#))
 - No plants grown for sale or eating

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- The following conditions are advisory and may be amended to fit individual circumstances as necessary
 - All plants must be kept trimmed as following: -
 - No plants other than grass within two metres of carriageways
 - No plants other than grass within 50 cm of footways
 - No plants over 60 cm high in sight lines or visibility splays
 - No plants over 1.5 metres high elsewhere
 - No soil may be removed from or added to this highway land
 - No excavations may be made more than 50cm deep
 - The existing contour of the land must be retained.
- HE considers the applicant's proposal in relation to:
 - Visibility
 - Obstruction of the public's right of passage
 - NCC or statutory undertakers works or apparatus
- If site and proposals are acceptable, HE writes to Parish Council seeking their comments on the proposal and reply to applicant explaining action (see forms [\[F50\]](#) and [\[F51\]](#) respectively).
- Except in the case of bulb planting (see below), HE obtains details of apparatus from statutory undertakers. If apparatus is present, then inform applicant and where applicable refuse application

For bulb planting, the area should be agreed between the applicant and the HE in advance, but there is no need to consult with the RI(NM). If the HE is satisfied with the position, the planting may proceed. The HE will note and record its location on the Parish file. Excavations should be restricted to less than 20cms.

- If the Parish Council accept the proposal, HE writes to applicant (form [\[F52\]](#)) attaching two copies of licence (form [\[F53\]](#)) with plans showing the area to be cultivated shaded green. Upon return of signed licences, HE countersigns them. One licence to be returned to applicant, the other to RI(NM for forwarding to the Head of Law along with a completed deeds room storage request form (form [\[F54\]](#)). A photocopy of the licence to be placed on the Parish file.

If the licences are not returned by the applicant within two calendar months, HE chases applicant for reply.

Parish/District/City Councils

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- Follow above substituting form [\[F64\]](#) for form [\[F58\]](#)
HE writes to applicant attaching two copies of consent (form [\[F56\]](#)) with plans showing the area to be cultivated shaded green. Upon return of signed consent forms, HE countersigns them. One consent form to be returned to applicant, the other to RI(NM) for forwarding to the Head of Law along with a completed deeds room storage request form (form [\[F54\]](#)). A photocopy of the consent form to be placed on the Parish file.
- If the consent forms are not returned within two calendar months, then HE sends Notice to grant consent letter (form [\[F57\]](#)) to applicant.

Consent to Plant Trees

- Consent for Parish/District/City Councils may be granted under section 96 of the Highways Act 1980. Consents cannot be granted to private individuals; however, the Parish Council may accept responsibility on their behalf.
- HE considers the applicant's proposal in relation to:
 - Visibility
 - Obstruction
 - Distance from the edge of the carriageway. A and B class roads – a minimum of 3.65m from the edge of the carriageway to the tree trunk. Urban areas 3m from the edge of carriageway on major roads and 2m on lesser estate roads and other County roads. (At the Area Manager's discretion distances may be reduced, particularly on lightly trafficked roads).
- If the location proposed is suitable, HE obtains details of apparatus from statutory undertakers. HE writes to advise applicant of this and to request certificates of public, employee and third party liability insurance [\[F59\]](#)
- HE seeks confirmation from Natural Environment Team, or the City Tree Officer if within Norwich City, that species proposed are appropriate.
- If responses are acceptable, HE writes to applicant attaching two copies of consent form (form [\[F60\]](#)), plans defining area within which trees may be planted, schedule and details of statutory undertakers apparatus, with a copy to the NET/CTO
- In instances where statutory undertakers apparatus is present, but planting is still appropriate, subject to the applicant exercising EXTREME CARE, HE writes to applicant (form [\[F61\]](#)) giving details of apparatus and name of contact at relevant undertakers.
- If proposals are not acceptable, HE writes to applicants advising them of decision.

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- If consent forms are not returned within two calendar months, then HE chases applicant for reply.
- Upon return of signed consent forms, HE countersigns them. One consent form to be returned to applicant, the other to RI(NM) for forwarding to the Head of Law along with a completed deeds room storage request form (form [\[F54\]](#)). A photocopy of the consent form to be placed on the Parish file.

Grass Cutting (Other than for Agency Agreements)

- For applications from private individuals follow above, substituting form [\[F53\]](#) with [\[F62\]](#).
- For applications from Parish / District Councils follow above, substituting form [\[F62\]](#) with form [\[F63\]](#).

Sponsorship of Planting on Roundabouts

- Sponsored planting and maintenance of roundabouts is encouraged. In return the sponsor is allowed advertising in the form of a floral display incorporating the company's name or logo, and/or small, low level, signs (Highways Sub-committee 22 March 1995), subject to the following restrictions: -
 - the low-level display board, floral name or logo should be limited preferably to only one approach to the roundabout
 - that the display or board be positioned to directly face an approach road, so that it is clearly visible to drivers whilst viewing the road ahead
 - the signs should not show directional information
 - the sign should show the sponsors name only
 - any display incorporating a name or logo will be removed if monitoring of the site indicates that road safety problems are evident as a result of the display
 - the sign accompanying any display will be removed if monitoring indicates that road safety problems are evident as a result of the display
 - the sponsor to be responsible for obtaining any necessary planning consent
 - the sign should be no larger than 500mm long by 300mm high and placed not more than 400mm above adjacent ground level. The size of these signs can be increased to 0.3 sq m at the discretion of the Area Manager
- The sponsor should approach the appropriate District/Borough/City/Parish Council with his proposal.
- The District/Borough/City/Parish consults with the HE who decides if the planting is to be allowed. If planting is possible, HE to decide upon the maximum height of any plants and which road(s) any low-level display board, floral name or logo should face. HE forwards details to District/Borough/City/Parish

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- The District/Borough/City/Parish Council's Environment Department will prepare a planting scheme for the sponsor or approve a scheme which has been prepared by the sponsor, provided it complies with the HE's recommendations. In case of a Parish Council the planting scheme will be prepared by the County Council's Environment Co-ordinator.
- Details of the agreed planting scheme will be copied to HE. If acceptable HE forwards these to RI(NM) who progresses in accordance with the above.
- The District/Borough/City/Parish Council will carry out and maintain the planting.

Records

- Deeds database updated by CEX
 - Original placed in deeds stronghold (as listed above)
- Copy placed in file room – parish file (as listed above)

Exceptions

- None

Referenced Forms

SP03-01-F50	Licence to Cultivate Highway Verge
SP03-01-F51	Licence to Cultivate - Comments
SP03-01-F52	Licence to Cultivate - Consent
SP03-01-F53	Licence to Grow plants in highway land
SP03-01-F54	Deeds room storage request form
SP03-01-F56	Consent - Grow plants in highway land
SP03-01-F57	Consent to Cultivate Highway Verge
SP03-01-F58	Licence to Cultivate Highways - notice
SP03-01-F59	Tree Planting Letter
SP03-01-F60	Consent - Grow trees in highway land
SP03-01-F61	Licence to Plant Trees
SP03-01-F62	Licence - Cut and maintain highway verge
SP03-01-F63	Consent - Cut and maintain highway verge
SP03-01-F64	Consent to Cultivate highway - notice
SP03-01-F65	Consent to Plant trees in highway - notice

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