

Conditions Relating to any S96 Licence to Plant Approvals

These conditions will be attached to the licence or letter of authority, as terms.

1. The licensee (or personal representative where the licensee is deceased) must indemnify the highway authority (and provide evidence of £5 million Public Liability Insurance) against any third party claim in respect of injury, damage or loss, which may occur in the highway, to which the licence relates. This may arise from: the planting or presence of trees, shrubs, plants or grass; or carrying out any works by the licensee, the highway authority, or their representatives, except where the highway authority is negligent.
2. Licences or letters of authority will operate for a period of either five or ten years. However, the Council can serve a notice on the licensee withdrawing the licence (granted under section 96) (we will give a minimum of seven days notice). This can be for the following reasons:
 - a) If any condition of the licence is contravened by the licensee;
 - b) Where it is necessary for the highway authority to exercise its functions, normally following a period of not less than three months.
3. The highway authority, or public utilities, may require access to planted areas, which are subject of the agreement, at any time. Neither the highway authority nor the utilities can be held liable for any loss or damage done to planting during work, although care will be taken, as far as possible.
4. There will be provision in the licence that where it expires, is withdrawn or surrendered, the Council:
 - a) May remove all or any of the trees, shrubs, plants or grass to which the licence relates and reinstate the highway, and may then recover its reasonably incurred expenses from the last licensee, or
 - b) Authorise the last licensee to remove these, and reinstate the highway within a reasonable time period at his own expense.
5. The powers and duties of the highway authority are not affected by any planting approvals.
6. Unless maintenance has been passed to the highway authority, by agreement, licensees are required to manage licensed areas of highway verge, or other approved areas, to a reasonable standard, ensuring regular cutting and pruning. The licence will contain a provision providing

for this to occur. Our local highway staff will aim to inspect these areas at least once a year. A licence may be revoked as a result of ongoing disregard of one or more relevant conditions, (see item 2 above).

7. As far as practicable, highway authority officers will ensure that a record of these areas is made known to the authority's grass cutting contractors, together with any seasonal restrictions on cutting. We cannot guarantee, however, that these areas will not be inadvertently cut, on occasions. Similarly, we will try to avoid spraying planted areas during weed control operations, but cannot accept liability for accidents.
8. Shrubs and trees must not be planted nearer than 5m from the centre-line of the road, and additionally, as necessary, no nearer than 1.5m from the edge of the road. Where there are footways between the planted areas and the edge of the road, planting shall be no nearer than 0.5m from the edge of the footway.
9. Approvals will not be granted where planting is likely to interfere with highway drainage, utility apparatus or restrict access to inspection chambers, etc.
10. Approvals will not be granted where planting is likely to interfere with protected areas of verge.
11. Care must be taken to ensure that existing sight lines within the highway are not put at risk. Highway staff will check this.
12. Approvals are limited to planting, and do not include any associated fencing, stones, posts, boulders or related advertising. These may constitute an encroachment on, and possible obstruction of, the highway, and a potential hazard to users of the highway, and as such, may render the owner liable to a third party claim, in addition to possible prosecution by the Council. In addition it will not be permitted to use hedging plants on frontages in such a way that they would enclose the highway.
13. The highway authority will not accept inappropriate planting. Any inappropriate planting will be removed, and our costs may be recovered.
14. The types of Shrubs and trees that are proposed for planting on the highway verge should be discussed and agreed with the Street Works Manager beforehand.
15. All planting and maintenance works within highway limits must be carried out in a safe manner with appropriate signing, lighting and guarding in accordance with Safety at Street Works and Road Works guidance and supervised by a person holding a Street Works Supervisor Card. Care must be taken to ensure that all operatives and the public are kept safe and no damage is caused to underground apparatus.