

Highways Act 1980 – Section 142 Licence to Plant in Highway

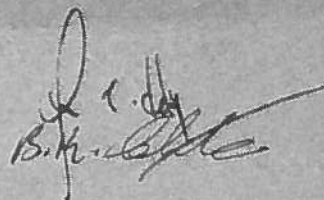
1. The Essex County Council as highways authority for the highway mentioned below (hereinafter referred to as the "Authority") hereby grants to Mr. Gibson of 61 Iris Close, Pilgrims Hatch, Brentwood Essex CM15 9QG hereinafter referred to as "the Licensee", which expression shall include any other person who is for the time being entitled by virtue of this licence to do anything permitted by it to be done under Section 142 of the Highways Act 1980 a licence to plant and maintain in an area of land, forming part of the highway, adjacent to the said 61 Iris Close delineated and edged in red on the drawing no.1 attached hereto (such highway being hereinafter referred to as "the highway") various trees and shrubs together with grass turfing as shown on the said plan (hereinafter referred to as the shrubs and grass) upon the terms and subject to the conditions hereinafter specified and subject also to the relevant conditions contained in the said Section 142 and to the licensee and nothing hereby contained is intended to confer or shall be construed as conferring upon the licensee any interest in the land, and the licensee hereby accept the licence aforesaid upon and subject to the terms, conditions and provisions aforesaid.
2. The exact siting of the trees and shrubs is to be agreed with the Area Engineer, Highways, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY, before any planting takes place.
3. The planting shall be undertaken during the next appropriate planting season. No part of the shrubs on maturity shall extend beyond a line one metre behind the kerb and parallel to it or shall exceed one metre above the adjacent carriageway.
4. No tree, shrub or plant which is of a poisonous nature (whether by reason of fruit, flowers, leaves or otherwise howsoever) or is otherwise likely to constitute a source of danger to person or animals on the highway shall be planted under this licence.
5. The shrubs to which the licence relates shall be properly cut, pruned and trimmed at all times during the continuance of this licence and the shrubs shall not be allowed to obstruct or interfere in any way with or to become a source of danger to passage along the carriageway or any footway of the highway, or to overhang the premises of any other person other than the licensee.
6. The Licensee shall keep the part of the highway to which this licence relates in a trim and tidy condition and all grass on that part of the highway cut or mown.
7. If it appears to the Authority at any time that the shrubs to which this licence relates are obstructing or interfering, or are likely to obstruct or interfere, in any way with, or are likely to be a source of danger to, passage along the carriageway or any footway of the highway, or to overhang the premises of any person other than the Licensee, or that any grass to which this licence relates is not being cut or mown, the Authority may without notice to the Licensee, lop, prune, cut or trim the shrubs or cut or mow such grass, as it thinks fit, and any such action by the Authority shall be without prejudice to its power under Section 142 of the Highways Act 1980 to withdraw the licence.

8. The Licensee shall not remove any soil from the part of the highway to which this licence relates or otherwise do anything which would interfere with the support given to the rest of the highway.
9. The licence hereby granted shall be annexed to the premises mentioned in paragraph 1 above and shall remain in force until withdrawn by the Authority under Section 142 of the Highways Act 1980 or surrendered to the Authority by the Licensee.
10. Persons authorised by the Authority or any statutory undertakers, sewerage authorities or communication authorities, may at any time enter the part of the highway to which this licence relates without notice to the Licensee in order to carry out works for the purpose of the highway, or the undertaking in question.

Dated the _____ day of _____

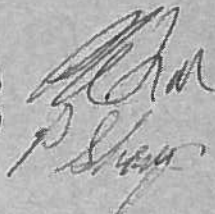
Signed on behalf of the Authority
In the presence of:-

)
)



Signed by the Licensee in the
Presence of:-

1)
2)



PHILIP SHARP

Note: The attention of the Licensee is drawn to:-

- (i) sub-section (6) and (7) of Section 142 of the Highways Act 1980 which prescribe the circumstances in which the licence may be withdrawn by the highway authority or surrendered by the Licensee;
- (ii) sub-section (8) of Section 142 of the 1980 Act which provides that the Licensee or, their representatives, shall indemnify the highway authority against any claim in respect of injury, damage or loss arising out of the planting or presence of any trees, shrubs, plants or grass to which this licence relates or the execution of works by any person or by the highway authority;
and
- (iii) sub – section (4) of Section 142 of the 1980 Act which requires that within one month after any change in the ownership of the premises the Licensee shall inform the highway authority of it.