

Record of officer decision

Decision title:	Preparation of a Cultivation Licence made under Section 142 of the Highways Act 1980.
Date of decision:	1 May 2020
Decision maker:	Engineering Manager
Authority for delegated decision:	<p>Directorate scheme of delegation: updated 20 March 2020 Directorate: Economy and Place, section 75.</p> <p>To act on behalf of the council in respect of the legislation specified in the foregoing:</p> <p>Traffic Management Act 2004, Road Traffic Act 1988, Cycle Tracks Act 1984, Highways Act 1980, National Parks and Access to the Countryside Act 1948, New Roads and Street Works Act 1991, Road Traffic Regulation Act 1984, Town and Country Planning Act 1990, Town Police Clauses Act 1847, Traffic Calming Act 1992, Wildlife and Countryside Act 1981</p>
Ward:	Dinedor Hill
Consultation:	Lower Bullingham Parish Council – who have made no comment
Decision made:	To authorise the issue of a Cultivation Licence for the planting of plants, small shrubs and the maintenance of grass located on the verge outside 8 St Clare's Court, Lower Bullingham, Hereford.
Reasons for decision:	To enable the Licensee to plant/cultivate and maintain the highway as specified in the Licence.
Highlight any associated risks/finance/legal/equality considerations:	<p>Legal - the highway authority for a highway may by a licence granted under Section 142 permit the occupier or the owner of any premises adjoining the highway to plant and maintain, or to retain and maintain, trees, shrubs, plants or grass in such part of the highway as may be specified in the Licence.</p> <p>Risk - the cultivation is part of a service strip on the edge of the highway. There is no pavement for pedestrians. However there are only a few houses beyond this in the cul-de-sac and the carriageway is approximately 4.8 m which gives sufficient width that there is a very low risk to pedestrians. The licensee will not maintain the planting/cultivation to an adequate standard, in which case the Licence could be revoked.</p>
Details of any alternative options considered and rejected:	Not to issue a Cultivation Licence and the area will not be maintained to the same standard.
Details of any declarations of interest made:	None

I am an officer delegated to make the decision

Signed:

Print Name: Bruce Evans

Job Title: Engineering Manager