

### Record of officer decision

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| <b>Decision title:</b>                                                       | Preparation of a Cultivation Licence made under Section 96 of the Highways Act 1980.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Date of decision:</b>                                                     | <b>22<sup>nd</sup> December 2021</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Decision maker:</b>                                                       | Engineering Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Authority for delegated decision:</b>                                     | <p>Directorate scheme of delegation: updated 22<sup>nd</sup> October 2021<br/>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> |
| <b>Ward:</b>                                                                 | Sutton Walls                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Consultation:</b>                                                         | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Decision made:</b>                                                        | To authorise the issue of a Cultivation Licence to Marden Parish Council for the planting in the highway verge in front of the War Memorial on the junction of the C 1120 and U72606 South of Marden village.                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Reasons for decision:</b>                                                 | To enable the Licensee to plant/cultivate and maintain the highway as specified in the Licence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Highlight any associated risks/finance/legal/equality considerations:</b> | <p>Legal - the highway authority for a highway may by a licence granted under Section 96 permit a Town or Parish Council 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 licensee will not maintain the planting/cultivation to an adequate standard, in which case the Licence could be revoked.</p> <p>The licence specifies that the planting will be as per the planting scheme submitted.</p>                                                                           |
| <b>Details of any alternative options considered and rejected:</b>           | Not to issue a Cultivation Licence and the area will not be maintained to the same standard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Details of any declarations of interest made:</b>                         | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Signed..... Date:

