



Highways Act 1980

1980 CHAPTER 66

PART V

IMPROVEMENT OF HIGHWAYS

Miscellaneous improvements

[^{F1}96A Duty of local highway authorities in England to consult before felling street trees

- (1) A local highway authority in England must consult members of the public before felling a tree on an urban road (a “street tree”).
- (2) A local highway authority must have regard to any guidance given by the Secretary of State to local highway authorities about how to discharge the duty under subsection (1).
- (3) The duty under subsection (1) does not apply in a case where—
 - (a) the street tree has a diameter not exceeding 8 centimetres (measured over the bark, at a point 1.3 metres above ground level),
 - (b) the authority considers that the street tree is dead,
 - (c) the authority considers that the street tree is required to be felled—
 - (i) by virtue of an order under the Plant Health Act 1967, or
 - (ii) under any enactment on the basis that the tree is dangerous,
 - (d) the authority considers that the street tree is required to be felled in order to comply with—
 - (i) a duty to make reasonable adjustments in the Equality Act 2010 because the tree is causing an obstruction (see section 20 of that Act), or
 - (ii) a duty in section 29 of that Act (prohibitions on discrimination etc in the provision of services) because the tree is causing an obstruction, or
 - (e) the felling of the street tree is required for the purpose of carrying out development authorised by—

Status: Point in time view as at 30/11/2023.

Changes to legislation: Highways Act 1980, Section 96A is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) planning permission granted under section 70, 73, 76D, 77 or 79 of the Town and Country Planning Act 1990, or
 - (ii) outline planning permission granted under section 92 of that Act.
- (4) In subsection (1) “urban road” means a highway, other than a trunk road or classified road, which—
- (a) is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1984 (30 miles per hour speed limit),
 - (b) is subject to an order made by virtue of section 84(1)(a) of that Act imposing a speed limit not exceeding 40 miles per hour, or
 - (c) is otherwise a street in an urban area.]

Textual Amendments

- F1** S. 96A inserted (30.11.2023) by [Environment Act 2021 \(c. 30\)](#), **ss. 115, 147(3)** (with s. 144); [S.I. 2023/1170](#), reg. 3

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