



Environment Act 2021

2021 CHAPTER 30

PART 6

NATURE AND BIODIVERSITY

Tree felling and planting

114 Controlling the felling of trees in England

Schedule 16 makes amendments to Part 2 of the Forestry Act 1967 in relation to the enforcement of the power to control the felling of trees in England.

115 Local highway authorities in England to consult before felling street trees

After section 96 of the Highways Act 1980 insert—

“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,

Status: This is the original version (as it was originally enacted).

- (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—
 - (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.”