



# 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.

##### **Commencement Information**

- I1** S. 114 not in force at Royal Assent, see [s. 147\(3\)](#)
- I2** S. 114 in force at 1.1.2023 by [S.I. 2022/1266, reg. 2\(c\)](#)

#### **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—

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**Changes to legislation:** *There are currently no known outstanding effects for the Environment Act 2021, Cross Heading: Tree felling and planting. (See end of Document for details)*

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- (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—
    - (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.”

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**Commencement Information**

- I3** S. 115 not in force at Royal Assent, see [s. 147\(3\)](#)  
**I4** S. 115 in force at 30.11.2023 by [S.I. 2023/1170](#), [reg. 3](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Environment Act 2021, Cross Heading:  
Tree felling and planting.