

Getting in touch

The quickest and easiest way of getting in touch:

Web

General planning guidance:
birmingham.gov.uk/planning

Submitting an application:
Submit your application here using the 'Apply for tree works consent' tab at:
birmingham.gov.uk/treepreservation

Further guidance available at:
birmingham.gov.uk/checklists

E-mail

Help with submitting your application:
planningandregeneration@birmingham.gov.uk

Call

Planning and Regeneration general enquiries:
(0121) 303 1115

Postal address for paper applications

Planning and Regeneration
PO Box 28
Birmingham
B1 1TU

Your views

Let us have your comments, compliments or complaints:
birmingham.gov.uk/yourviews

Other useful contacts

Trees on the public highway
Telephone: (0121) 303 1607

Trees on Council land
birmingham.gov.uk/trees

Emergency tree contact - on Council land
Telephone: (0121) 464 8728

Submitting an appeal
gov.uk/appeal-decision-about-tree-order/when-you-can-appeal

For a copy of this leaflet in large print, alternative format or another language, please contact us.

If you have a speech impairment, are deaf or hard of hearing you can contact Birmingham City Council by Next Generation Text (also known as Text Relay and TypeTalk). Dial 18001 before the full national phone number.

Minicom: (0121) 303 1119 or (0121) 675 8221

You can call the council's Contact Centre using your own advocate to translate for you without written notice. If you need to arrange for this service, go to Brasshouse Translation and Interpreting.

Protected trees

A guide to Tree Preservation Orders and special provisions for trees within Conservation Areas.

This guide is for the benefit of tree owners, the public, local groups, anyone involved in works to a protected tree. It is for guidance only and is not a statement of the law. It advises how we have specific powers to protect trees by making a Tree Preservation Order (TPOs) as well as explaining the special provisions which apply to trees within designated Conservation Areas.

What is a Tree Preservation Order (TPO)?

A Tree Preservation Order (TPO) is a legally enforceable document made by the local planning authority to protect trees and woodland in the interests of public amenity. The power to make a TPO is contained in the Town and Country Planning Act 1990 and the Town and Country (Tree Preservation) (England) Regulations 2012.

What is the purpose of a TPO?

A TPO is made to protect trees which are considered to have a good public amenity value and make a significant contribution to the local landscape.

What type and species can be covered by a TPO?

A TPO can be applied to any tree regardless of age or species. No trees are automatically protected.

How can I find out if my property is affected by a TPO?

All TPOs are outlined and available to view online by visiting the 'Find out if a tree is protected' tab at:

birmingham.gov.uk/treepreservation

or Local View Mapping System at:

localview.birmingham.gov.uk/planning/sites/TPO/

What is the difference between TPO and Conservation Area tree protection?

To carry out works to a tree protected by a TPO you need to gain consent from the Local Planning Authority through submitting a tree works application.

To carry out works to a tree in a Conservation Area you must first submit a six week notice of your intention to the Local Planning Authority. This is known as a 'Section 211' notice. The Local Planning Authority can either accept your notice or make a TPO.

Who is responsible for a protected tree?

All privately owned trees are the responsibility of the tree owner irrespective of legal protection. We recommend that you have any trees that you own inspected by a qualified person at least every five years if they pose any conceivable risk to yourself or the public.

What should I do if I think that my tree is dangerous?

Your first action should be to contact a qualified tree surgeon to assess the condition of the tree. In genuine emergency situations your tree surgeon can take appropriate action to make the tree safe. You will be required to prove that the tree was in a dangerous condition.

How do I apply for consent to carry out work to a protected tree?

Anyone can apply to carry out works to a tree protected by a TPO.

You must complete a tree works application. This can be done online by visiting the 'Apply for tree works consent' tab at:

[birmingham.gov.uk/treepreservation](https://www.birmingham.gov.uk/treepreservation)

Further guidance is available at:

[birmingham.gov.uk/planningchecklists](https://www.birmingham.gov.uk/planningchecklists)

You may also find this form useful for giving notice of works to trees in a Conservation Area.

If the tree is not on your land then you will need permission from the owner.

How much will I have to pay?

There is no cost in applying for tree work consent or in appealing against the Council's decision if your application is not accepted.

Should I get professional advice before submitting my application?

Before submitting a notice or application you may find it useful to consult with a reputable tree surgeon or arboricultural consultant to advise you on tree management and the type of work that could achieve your objective. More information can be found at:

[trees.org.uk](https://www.trees.org.uk)

What will happen if I ignore or contravene tree protection legislation?

Anyone who cuts down, uproots, tops, lops, wilfully destroys or wilfully damages a protected tree is guilty of an offence.

Anyone convicted through the magistrates court of an offence is liable to a fine of up to £20,000.

The tree owner and the person carrying out the works are equally answerable to the law. Both may be prosecuted for an offence.

Other Useful Information

Boundaries and ownership

There is nothing to prevent any person planting or growing a tree anywhere on their property. There is a common law right allowing the pruning of branches that overhang from a neighbouring tree. This work may be done without the consent of the tree owner but an application to the Council would be needed if the tree was protected. The person carrying out the works is liable for any damage that follows (i.e. the tree falls due to imbalance onto property) so it is prudent to seek professional arboricultural advice.

The position that a tree trunk meets the ground determines the ownership of the tree. A tree that sits exactly on a boundary is owned by both properties.

This has been a very brief summary of the ways in which statutory tree protection affects tree owners and the requirements it presents. Anyone owning or carrying out works to protected trees needs to take note of the requirements of tree protection law and seek qualified advice when appropriate. The process of applying for consent to carry out works to protected trees is straightforward and is free but if you have any questions then please contact the Planning and Regeneration Department of the Council and we will be happy to help.

What can I do if a tree is located on a public highway, public open space, parks or schools?

Public Highway - Trees located on a road verge/highway or traffic island are not usually protected. These are monitored and maintained by Amey Plc on behalf of the Council.

Public Open Spaces/Parks and Schools - The Councils Local Services section monitor and maintains trees on public open spaces/parks/schools.