

# Getting in touch

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## Web

General planning guidance:  
[birmingham.gov.uk/planning](http://birmingham.gov.uk/planning)

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

Further guidance available at:  
[birmingham.gov.uk/checklists](http://birmingham.gov.uk/checklists)

## E-mail

Help with submitting your application:  
[planningandregeneration@birmingham.gov.uk](mailto: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](http://birmingham.gov.uk/yourviews)

## Office

### Trees on the public highway

Telephone: **(0121) 303 1607**

### Trees on Council land

[birmingham.gov.uk/trees](http://birmingham.gov.uk/trees)

### Emergency tree contact - on Council land

Telephone: **(0121) 464 8728**

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If you have a speech impairment, are deaf or hard of hearing you can contact Birmingham  
Generation Text (also known as Text Relay and TypeTalk). Dial 18001 before the full  
Minicom: (0121) 303 1119 or (0121) 675 8221  
You can call the council's Contact Centre using your own advocate to translate for you  
If you need to arrange for this service, go to Brasshouse Translation and



# 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 effect 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 are the criteria for 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 tree 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/en/ee/ee/ai](http://birmingham.gov.uk/en/ee/ee/ai)

or Local View Mapping System at:

[localview.birmingham.gov.uk/la/ig/ie/TPO/](http://localview.birmingham.gov.uk/la/ig/ie/TPO/)

## What is the difference between a TPO and a Conservation Area?

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 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 there is damage?**

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

## **How much will it have a cost?**

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 a notice or 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:

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

## **What will happen if I ignore the council's decision?**

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

### **Boundary and Liability**

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, or a park or school?**

**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 Council's Local Services section monitor and maintains trees on public open spaces/parks/schools.