

Permission to cut down and prune a tree protected under the Tree Protection Ordinance.

Do you want to cut or prune a tree on your property that is protected under the Tree Protection Ordinance?

Competent Department

• Die Senatorin für Umwelt, Klima und Wissenschaft | Abtl. 3 | Natur, Wasser

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Basic information

The rightful users or owners of property must observe the following when planning to cut down a tree or prune a protected tree (or when carrying out a construction measure):

A tree protection ordinance is in force in Bremen and Bremerhaven. For all planned measures on protected trees, the tree protection ordinance must be observed and, if necessary, an application for exemption must be submitted to the nature conservation authority. For felling or pruning of trees that are not protected according to the tree protection ordinance, the information under the service description "Felling and pruning of trees and bushes in the period from 01.03. to 30.09. of each year" applies.

Procedure

Informal application with the following contents:

- Applicant (name and address)
- Property concerned (address/parcel and plot)
- Tree species and trunk circumference (measured at 1m height)
- · Height of the tree
- · Reasons for felling or pruning

Legal bases

Bremische Baumschutzverordnung (BaumSchV)

More information

The following trees are covered by the Tree Protection Ordinance:

- 1. deciduous and coniferous trees with a trunk circumference of at least 80 cm; in the case of multi-stemmed trees, the sum of the stems with a trunk circumference of at least 40 cm applies
- 2. trees planted as replacement planting in accordance with § 10, from the time of planting
- 3. trees in avenues with a trunk circumference of 50 cm or more.

Not protected are

- 1. trees of the species poplar (Populus) and for the species American bird cherry (Prunus serotina)
- 2. forest within the meaning of § 2 of the Bremen Forest Act,
- 3. trees within the scope of landscape protection and nature conservation area ordinances and in other protected parts of nature and landscape in accordance with §§ 22 to 30 of the Federal Nature Conservation Act,
- 4. Trees that impair the maintenance and safety of flood protection facilities,
- 5. Trees in tree nurseries, agroforestry and market gardens if they are used for commercial purposes,
- 6. Trees that are included in the applicable Union list in accordance with Article 4 of Regulation (EU) No. 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of forest fires. October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, p. 35), as last amended by Regulation (EU) 2016/2031 (OJ L 317, 26.10.2016, p. 4),
- 7. Trees in botanical gardens and rhododendron parks,
- 8. Trees in listed gardens on public land,
- 9. Dead or fallen trees,
- 10. Trees whose removal has already been decided as part of the intervention compensation scheme in accordance with the provisions of the Federal Nature Conservation Act or pursuant to Section 18 of the Federal Nature Conservation Act in accordance with the provisions of the Building Code.

Note: Questions about neighboring rights cannot be answered.

What are the costs?

138,79 EUR positive decision 59,48 EUR negative reply

Frequently asked Questions

 When do I have to submit an application if I want to fell a protected tree (Tree Protection Ordinance)?

As soon as measures, for example pruning or felling of a protected tree (Tree Protection Ordinance) are planned or appear necessary. An application form can be downloaded from the website of the Senator for the Environment, Climate and Science or the online application route can be used.

 How do I submit an application if I want to cut down or prune a protected tree (Tree Protection Ordinance)?

An application can be submitted via the online service, via the application form available online or informally.

At least the following information is required:

- Applicant (name and address)
- affected property (address/parcel and parcel)
- Site plan with tree location
- Tree species and trunk circumference (measured at 1m height)
- Height of the tree
- Reasons for felling or pruning.
- I would like to build. There is a conflict with trees on the building plot. What do I have to do?

The nature conservation authority will provide information on this in each specific case.

 Is it permitted to cut off overhanging branches of protected trees (tree protection ordinance) on neighboring properties?

Generally no. In individual cases, a consultation with the nature conservation authority may be helpful.

• Do I have to accept shading, leaf, needle or fruit fall, such as falling chestnuts, from protected trees (also from neighboring properties)?

In principle, yes. However, individual cases may be cases of hardship. Please contact the staff of the nature conservation authority.

 Who checks the traffic safety (stability and breakage resistance) of a tree protected under the Tree Protection Ordinance?

Depending on the requirements, a specialist gardening and landscaping company or publicly appointed and sworn experts can be considered for the inspection. These can be obtained from the Chamber of Commerce (www.handelskammer-bremen.de) or, for example, the Lower Saxony Chamber of Agriculture (www.lwk-niedersachsen.de).

 Are the requirements of Annexes 1 and 2 decisive or are they a recommendation regulation?

Annex 1 is not to be applied as a rigid automatism, but always in conjunction with §10 BremBaumSchV. The consideration is made by the staff of the nature conservation authority on a case-by-case basis.

Appendix 2 is a list of suitable trees and shrubs for replacement planting that should, but do not have to, be used. In addition, a species suitable for the location must be selected according to the conditions at the planting site. Site-appropriate means that the climate tree list can also be used in dense, built-up areas if necessary.

By when must replacement planting be carried out?

In consultation with the authorities, usually in the planting period following felling.

Can protected trees in hedges be trimmed?

Pruning is still possible, but an application must be submitted for the protected trees if they are felled.

· How do you deal with trees that are close to buildings?

There are no specifications regarding the distance that a tree must maintain from a building. Please contact the nature conservation authority in individual cases.

Replacement planting - how many trees are necessary?

The necessary replacement is initially determined by the trunk circumference (measured at 1m trunk height above the ground) of the tree applied for; a corresponding table is included in Appendix 1 of the Conservation Ordinance. The

staff of the nature conservation authority will then check to what extent the tree applied for fulfills the protective functions. When determining the necessary replacement planting, the associated burdens on the applicant's property are also taken into account.

Where are the requirements for the amount of compensation derived from?

The cost calculation was based on sub-items of the planting costs incurred by the public sector for planting in green spaces (planting, growth maintenance, etc.).

Who is the applicant in allotment gardens? (Tenant or landowner?)

Applications for allotment gardens can be made by the tenant of the land. Ownership remains unaffected by the decision.

When does the deemed approval come into force?

Upon receipt of your application, you will receive a reply confirming that the documents are complete or requesting any missing documents. If the documents are complete, this letter will also state the date on which the deemed approval comes into effect.

How do I determine the trunk circumference of multi-stemmed trees?

In the case of multi-stemmed trees, the sum of the stems with a trunk circumference of at least 40 centimeters is taken as the basis.

Who do I contact if I have questions about protected public trees?

Please contact Umweltbetrieb Bremen, which is responsible for the planning, maintenance and development of parks and green spaces.