

# Consultation response form

## Tree preservation orders: proposals for streamlining

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<b>Section 2: Consolidating the tree preservation order system</b>		
Q.1 Will the proposal to consolidate legislation and introduce one system for TPOs benefit tree owners and local planning authorities?	Yes	✓
	No	
Explanation/comment:  It will make the process easier to understand and to implement for local planning authorities and tree owners.		
Q.2 Will bringing all existing and future TPOs into the same shorter format be clearer for tree owners and help local planning authorities?	Yes	✓
	No	
Explanation/comment:  As above.		
<b>Section 3: Streamlining the system</b>		

<p><b><i>Provisional effect of a TPO</i></b></p> <p>Q.3 Is the proposed provisional protection helpful to local planning authorities and, given the interests of tree owners, fair and reasonable?</p>	Yes	✓
	No	
<p>Explanation/comment:</p> <p>Immediate protection of TPO's trees would be good particularly on sites where the trees are under threat. Without the need for a Section 201 notice it is anticipated that there would be less paperwork. Six months is considered sufficient for confirmation.</p>		
<p><b><i>Informing interested parties</i></b></p> <p>Q.4 Is the proposed minimum notification of new or varied TPOs targeting the right people?</p>	Yes	
	No	✓
<p>Explanation/comment:</p> <p>Only serving the owner and those with a right to prune the trees (adjoining neighbours with overhang etc) should reduce some of the paperwork for local planning authorities. However, there could be cases where there is an issue with large trees with spreading roots into several gardens or subsidence issues from house a few doors down and these owners would not be notified under these proposals.</p> <p>There will also be interested parties, in the locality, who would wish to be notified of the order such as local interest groups or objectors to development who would be excluded from this process without clarity that local authorities could use discretion.</p>		
<p><b><i>Exceptions to the need for obtaining consent</i></b></p> <p>Q.5 Are the proposals to remove the current exemption for work to dying trees and limiting work to dangerous trees useful clarification, and reasonable?</p>	Yes	
	No	
<p>Explanation/comment:</p> <p>There should be a limitation to works on dangerous trees, to make safe only. For those that dislike the protected tree on their land, a damaged tree in a storm can be a good opportunity to remove it entirely.</p>		

<p><b>Consents</b></p> <p>Q.6 Do you agree that the power to vary or revoke consents for work under TPOs made before 2 August 1999 should be removed?</p>	Yes	✓
	No	
<p>Explanation/comment:</p>		
<p>Q.7 Is a default period of one year for the duration of consents reasonable?</p>	Yes	
	No	✓
<p>Explanation/comment:</p> <p>Limiting the consent to one year is a little restrictive, for example, an application may come in December for a reduction which would be best carried out in winter which we may add a condition for. If they only have a year to carry out the work it might be too limiting. 24 months may be better. Para 3.20 does say that the time period could be varied by the authority.</p>		
<p>Q.8 Will the opportunity to consider repeated operations, or programmes of work, assist tree owners in their management of protected trees?</p>	Yes	✓
	No	
<p>Explanation/comment:</p> <p>Issuing rolling consents for regular works could work, however an operation like pollarding may take place every 3-7years (the limes in Parkway, Welwyn Garden City) are a good example, so it would have to be open. It is not clear if local planning authorities could condition that there is a minimum timescale when works can be redone and want time of year, i.e. no sooner than three since the last works and all works must be carried out between the months of October and February. Without such controls this area could be exploited to carry out excessive works to the tree(s) causing it's demise.</p> <p>Would there also be a time frame that the on going consent stands i.e. 10 years? There would be a financial burden for local planning authorities in changes their IT systems in order to keep track of these rolling consents.</p>		

<p><b>Planting replacement trees</b></p> <p>Q.9 Is the proposed change to secure planting of replacement trees in woodlands by conditions reasonable?</p>	Yes	✓
	No	
<p>Explanation/comment:</p> <p>Removing directions to replant on woodland orders and replacing with appropriate conditions is reasonable and would bring it into line with individuals and group TPOs.</p>		
<p><b>Compensation</b></p> <p>Q.10 Are the proposed changes with regard to compensation fair and reasonable?</p>	Yes	
	No	
<p>Explanation/comment:</p>		
<p><b>General</b></p> <p>Q.11 Do you have any further comments to make about the draft regulations?</p>	Yes	✓
	No	
<p>Comment:</p> <p>Part 3 of the draft regulations includes a list of prohibited activities. The list includes uproot and wilfully damage but the majority of people consider a tree as a thing sticking out of the ground, they do not think or consider the roots as a part of the tree. It would be helpful to specifically include damage to roots or the root zone. The raised bed fad continues with electric gates and railed walls on the increase, often to the detriment of the adjacent trees. Specifically referring to roots or the root zone would not effect the actionable nuisance nor the statutory undertakers work with pipes etc.</p>		

**Section 4: Draft impact assessment**

Q.12 Do you have any general comment of the outcomes predicted in the impact assessment, particularly about the costs and benefits?

Yes

No

✓

Explanation/comment:

Q.14 Are there any benefits to the 'do nothing' option of not consolidating regulations and creating a unified system for TPOs?

Yes

No

✓

Explanation/comment: