

Consultation response form:

Tree preservation orders: proposals for streamlining

Proposed draft responses

Section 2: Consolidating the tree preservation order system		
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: There will be real and significant benefits for both.		
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: It will undoubtedly be clearer for tree owners, and it will assist in effective tree protection by speeding up the production of new TPOs.		

Section 3: Streamlining the system		
<i>Provisional effect of a TPO</i> Q.3 Is the proposed provisional protection helpful to local planning authorities and, given the interests of tree owners, fair and reasonable?	Yes	✓
	No	
<p>Explanation/comment:</p> <p>It confirms what is the general de facto position in any case.</p> <p>However it appears that a provisional order would become void after 6 months, which is a negative change.</p>		
<i>Informing interested parties</i> Q.4 Is the proposed minimum notification of new or varied TPOs targeting the right people?	Yes	✓
	No	
<p>Explanation/comment:</p> <p>It will still ensure that those most closely affected are made aware, and in doing so will reduce the administrative burden of making an order to some extent, and reduce costs.</p> <p>.</p>		
<i>Exceptions to the need for obtaining consent</i> 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?	Yes	✓
	No	
<p>Explanation/comment:</p> <p>It provides useful clarification and closes a potential loophole.</p>		

Consents	Yes	✓
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?	No	
<p>Explanation/comment:</p> <p>Not a power that this authority has exercised.</p>		
Q.7 Is a default period of one year for the duration of consents reasonable?	Yes	
	No	✓
<p>Explanation/comment:</p> <p>On balance, two years would be preferable. Many consents are not exercised within a year.</p>		
Q.8 Will the opportunity to consider repeated operations, or programmes of work, assist tree owners in their management of protected trees?	Yes	✓
	No	
<p>Explanation/comment:</p> <p>This makes explicit what is a useful opportunity – serving to reduce unnecessary bureaucracy for LPAs as well as owners.</p>		

Planting replacement trees	Yes	✓
Q.9 Is the proposed change to secure planting of replacement trees in woodlands by conditions reasonable?	No	
Explanation/comment:		
Compensation	Yes	
Q.10 Are the proposed changes with regard to compensation fair and reasonable?	No	✓
Explanation/comment: There is no evidence to support the complete withdrawal of article 5 certificates; this is likely to have a negative impact on the retention of large and special trees in urban areas.		
General	Yes	
Q.11 Do you have any further comments to make about the draft regulations?	No	
Comment: That the status of Area Orders appears unclear - they are mentioned in the draft Order – but not in the draft regulations. That the retention of out-of-date terms, notably “lopping” and “topping” is regrettable. That the reference in 17(3) to “good Forestry” alone is regrettable, and that it should be expanded to include “good woodland management practice”.		

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	
<p>Explanation/comment:</p> <p>The Authority agrees in general terms with the draft impact assessment.</p>		
Q.14 Are there any benefits to the 'do nothing' option of not consolidating regulations and creating a unified system for TPOs?	Yes	
	No	✓
<p>Explanation/comment:</p> <p>No – but alternative options for change are not considered. It is noted with concern that although a review is proposed, there are no arrangements for systematic collection of monitoring information for future review.</p>		