



Tree Preservation Orders

**A response by Civic Voice to CLG's proposals for streamlining
December 2010**

1. Civic Voice welcomes this opportunity to comment on the proposed streamlining of Tree Preservation Orders. We are the new national charity for the civic movement. Civic Voice works to make the places where everyone lives more attractive, enjoyable and distinctive. We promote civic pride. Civic Voice speaks up for civic societies and local communities across England. We believe everyone has the right to live somewhere they can be proud of. Civic Voice has been joined by over 270 civic societies in its first eight months, with around 70,000 members between them.

2. Civic societies are the most numerous participants in the planning system and the civic movement was responsible for the legislation creating conservation areas. Volunteer run and community based civic societies take a close interest in the contribution of trees and woods to the quality of urban life. They contribute daily to the system of tree protection as well as being actively involved in tree planting and care. Civic Voice is a partner in The Big Tree Plant campaign across Government and civil society.

3. We broadly welcome the thrust of the consolidation of existing regulations for Tree Preservation Orders. We are concerned, however, by the omission of measures to address the continuing loss of trees in conservation areas which do not warrant a specific Tree Protection Order but which do contribute positively to its special character and appearance. Indeed, we find local authorities are advised they may not subsequently place conditions on planning approval or require a replacement tree to be planted in such cases.

"The LPA cannot refuse consent. Nor can they grant consent subject to conditions (such as a condition requiring the planting of a replacement tree). This is because a section 211 notice is not, and should not be treated as, an application for consent under a TPO.... They may wish to offer practical advice on how the work should be carried out, but they cannot impose conditions."

Original emphasis
Tree Preservation Orders: a guide to the law and good practice CLG 1990

4. As a result we are seeing the gradual diminution of the contribution trees make to the special character and appearance of conservation areas. This runs counter to the ambitions clearly set out by the Government through The Big Tree Plant. This recognises the value of trees to the quality of life in streets, towns and cities whether or not they are protected by a Tree Preservation Order and the importance of an effective public say over their future as part of the Big Society. It also conflicts with the important contribution made by conservation areas to the quality of life which is recognised in the recently revised PPS5 *Planning for the Historic Environment*. It is often the overall

impact of trees through a conservation area that contributes to its special character as well as the contribution of individual trees worthy of specific protection. We believe the category of trees which does not warrant a specific Tree Protection Order but which does contribute positive to the special character and appearance of a conservation area needs better recognition and protection.

5. We recognise that tree work cannot be entirely prohibited in conservation areas and change can enhance as well as detract from their character. Equally, we do not agree that the approach to trees not warranting specific protection in a conservation area should be different to the same trees outside a conservation area where local planning authorities do not receive such restrictive advice on their powers to place conditions on planning approval. We believe there should be a clearer presumption against the loss of trees in conservation areas and stronger measures to ensure appropriate replacements.

6. To address the loss of trees in conservation areas we urge:

- ☛ Wider publicity being given to notices under section 211 notices required for work proposed on a tree in a conservation area
- ☛ Local authorities should be able to require amendments to planning applications to avoid unnecessary damage or loss of trees in conservation areas not subject to a specific Tree Protection Order
- ☛ Local authorities should be able to place conditions on planning permissions which require the provision of an appropriate replacement tree for one that is not subject to a specific Tree Protection Order and is lost as a result of development.

7. We also seek a reduction in the exceptions for statutory undertakers and local planning authorities wishing to cut down, top, lop or uproot a tree under Regulations 14 and 15.

8. We believe these measures sit well with the overall package for streamlining the system of tree protection in a manner that makes it both more effective and efficient for all involved.