

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
(ENGLAND) REGULATIONS 2012**

To inform Members of the new Regulations relating to Tree Preservation Orders which came into effect on 6 April 2012

Recommendation: That the report be noted.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 The new regulations came into effect on 6 April 2012 and make the tree preservation order (TPO) system simpler for local authorities to administer and easier to understand for tree owners. The present level of protection, however, will not be reduced.

The main changes include:-

- A consolidated and streamlined tree preservation system whereby all TPO's are put on the same footing within one set of regulations. The duty imposed on authorities by Section 197 of the Town and Country Planning Act 1990 to make TPO's as they think necessary when granted planning permission will remain unchanged as will the more general power to make these Orders in the interests of amenity.
- Immediate protection – the new regulations adopt one system where all new Orders will provide immediate provisional effect and authorities can confirm them after considering any objections or representations.
- Exemptions – under the TPO regulations to be replaced there are several circumstances where consent is not required to carry out works to protected trees, including trees that are dying, dead or have become dangerous. The new regulations omit "dying" from the exceptions.
- Prior notification of intention to carry out exempted works – the new regulations now include a requirement for a tree owner to give written prior notice to the local authority of their intention to carry out works authorised by an exemption, unless there is an imminent danger.
- Default period for duration of consents – the new regulations set a two year default period for the duration of consents for work on protected trees, with a power for the local authority to vary this if appropriate.

- Planting replacement trees – the new regulations enable conditions to be used in all cases, including in woodland, where replanting is required when granting consent to remove a protected tree(s)

Contact Officer: Tony Pomfret, Development Control Manager

Background Papers: The Town & and Country Planning (Tree Preservation)
(England) Regulations 2012