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BUILDING · CONSERVATION

Making Heritage Work

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Dear Sirs

TREE PRESERVATION ORDERS: PROPOSALS FOR STREAMLINING

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation.

The Institute supports the proposed streamlining as a helpful development. Our comments on the consultation questions are attached.

We wonder whether a useful addition to the process to help landowners and developers might be a provision to allow applications for immunity from TPO(s) for a specified period? This would help landowners plan the management of their land holdings without the open-ended possibility that TPO(s) might be made at any time. The process could mirror the s211 process.

We also suggest that a requirement for the justification for exempted works to TPO trees be the subject of photographic record to be kept for (say) a year would be helpful do minimize the scope for post hoc disputes.

Yours faithfully

James Caird
Consultant Consultations Co-ordinator

Responses to the Consultation Questions

Q.1. Will the proposal to consolidate legislation and introduce one system for TPOs benefit tree owners and local planning authorities?

Yes. It will make the process much more easy to understand for owners and LPAs alike.

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. It will remove the time-consuming anomaly that queries about existing TPOs require reference to the specific document wording on every occasion to be sure that the provisions are being accurately described.

Q.3. Is the proposed provisional protection helpful to local planning authorities and, given the interests of tree owners, fair and reasonable?

Yes.

Q.4. Is the proposed minimum notification of new or varied TPOs targeting the right people?

Yes. The interest for people further away are normally concerned only to works to trees. Wider consultation in relation to proposals would be desirable.

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. There is often a problem when supposedly exempted work is carried out, the evidence removed from site and complaints from interested parties subsequently occurring. A requirement for the justification for exempted work to be the subject of photographic record to be kept for (say) a year would be helpful.

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?

Yes. We agree with this proposal and the consequential provisions.

Q.7. Is a default period of one year for the duration of consents reasonable?

Yes, subject to the suggested power to vary this as circumstances indicate.

Q.8. Will the opportunity to consider repeated operations, or programmes of work, assist tree owners in their management of protected trees?

Yes.

Q.9. Is the proposed change to secure planting of replacement trees in woodlands by conditions reasonable?

Yes, but this should apply to all consents as outlined in the consultation document.

Q.10. Are the proposed changes with regard to compensation fair and reasonable?

Yes.

Q.11. Do you have any further comments to make about the draft regulations?

No.

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

No.

Q.13. Are there any benefits to the 'do nothing' option of not consolidating regulations and creating a unified system for TPOs?

No.