

Planning White Paper & Trees

Some of you will know that, towards the end of last year, we were considering possible reform of the TPO system. Indeed, some of you attended and contributed to three workshops that we held towards the end of October. Shortly afterwards, Kate Barker published her Review of Land Use Planning and the Government announced that it would be publishing a Planning White Paper. The White Paper, Planning for a Sustainable Future, was published on 21 May. It sets out the Government's response to the Barker Review and consults on a number of planning reforms, including proposals to streamline the planning system. Some of these proposals include changes to the tree preservation order (TPO) system.

A link to the White Paper is given below:

www.communities.gov.uk/index.asp?id=1510503

The key part as far as trees are concerned is chapter 9 which, among other things, proposes:

(1) the introduction of a single set of rules for all TPOs, including a much shorter, simpler model form of order;

(2) the introduction of standard form for applications to fell or prune trees protected by TPOs;

(3) the transfer of TPO appeal administration and decisions from the Government Offices to the Planning Inspectorate;

(4) a simpler, quicker method for processing TPO appeals, where decisions are based chiefly on material gathered at the application stage, with limited opportunity for further representations;

(5) allowing the Secretary of State to determine the appeal method (in other words, ending the appellant's automatic right to a hearing/inquiry);

(6) in the longer term, possibly allowing minor appeals, including TPO appeals, to be determined within the local planning authority itself by a board of Councilors (to be known as a Local Member Review Body). Further material can be found in a parallel consultation paper: the snappily entitled Improving the Appeal Process in the Planning System - Making it more proportionate, customer focused, efficient and well resourced. A link to this document is given below:

www.communities.gov.uk/index.asp?id=1510509

As far as trees are concerned, proposals (1), (5) and (6) are some way off because they will require changes to be made to the Town and Country Planning Act 1990. We are hoping to take advantage of a Planning Bill which is expected to be brought before Parliament in the 2007/08 session.

Proposals (2), (3) and (4) can be implemented more quickly because these only require changes to the Town and Country Planning (Trees) Regulations 1999. Note that we intend to consult separately on these proposals very shortly. In the meantime, anyone who wishes to respond to the consultation questions in either the White Paper or Improving the Appeal Process should note that the deadline for comments is 17 August. Apologies for not conveying this to the forum sooner.

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