

Title: Impact Assessment for the Town and Country Planning (Tree Preservation) (England) Regulations 2012 IA No: CLG5011 Lead department or agency: DCLG Other departments or agencies:	Impact Assessment (IA)		
	Date: 06/02/2012		
	Stage: Final		
	Source of intervention: Domestic		
	Type of measure: Secondary legislation		
Contact for enquiries: Simon Bryars - 0303 4443792			
Summary: Intervention and Options		RPC Opinion: AMBER	

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£4.3M	£ +small	£	Yes OUT

What is the problem under consideration? Why is government intervention necessary?
 Local planning authorities (authorities) protect trees in the interests of amenity by making Tree Preservation Orders (TPOs or 'Orders'). Provisions are spread across primary and secondary legislation and individual Orders. Different rules apply to these Orders depending on when they were made. This has resulted in a cumbersome system and created inconsistencies (eg in relation to the extent of protection offered by individual Orders). Tree owners are having difficulties understanding, and authorities administering, a bureaucratic system. Intervention is necessary to put a simpler, fairer system in place.

What are the policy objectives and the intended effects?
 As part of the drive towards more streamlined processes, the objective is to produce a shorter, simpler TPO and to set out in new regulations a unified and common procedure which would govern all these Orders irrespective of when they were made. This will make the TPO system easier for authorities to administer and simpler for owners and interested third parties to understand. These changes do not affect the level of protection provided by a TPO or an authority's scope to make them.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
 Option A: Do nothing.
 Option B: Amend primary legislation and consolidate existing regulations to simplify the TPO system.

 Option B is preferred as it will streamline the legislation, save authority resources and increase clarity and fairness for tree owners. To do nothing would retain an inefficient and unnecessarily complex system, despite recognition over a number of years that simplification of the rules, which requires changes to primary legislation, would provide significant improvements. The Planning Act 2008 includes provisions to facilitate this option.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 2017					
Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A	Non-traded: N/A	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____ **BOB NEILL** _____ Date: 28 February 2012

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2010	PV Base Year 2010	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 4.3

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	0	0

Description and scale of key monetised costs by 'main affected groups'

No significant costs have been identified for the main affected groups - owners and local authorities.

Other key non-monetised costs by 'main affected groups'

Small costs for authorities to advertise new rules.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate		£513,000	£4.3m

Description and scale of key monetised benefits by 'main affected groups'

Saving of administration costs to authorities estimated to be approximately £513,000 per year.

Other key non-monetised benefits by 'main affected groups'

Eight other key benefits have been identified but not monetised. These include introducing a new shorter model Order and qualifying the scope of exempted work. These will give greater clarity and reduce the administrative burden for tree owners, others affected by the Orders and authorities by virtue of operating within a simpler system.

Key assumptions/sensitivities/risks

Discount rate (%)

The assumed savings to authorities are based upon a saving of three per cent of the total cost of administering the TPO service. The estimated total cost of the TPO service is between £15.5m and £18.8m. (ODPM (2003)).

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	Benefits: Small	Net: Small	Yes	OUT

Evidence Base (for summary sheets)

Introduction

This Impact Assessment considers the consolidation and simplification of the provisions relating to Tree Preservation Orders (TPOs or 'Orders'). All existing TPOs will be amended and three current sets of regulations will be consolidated (using powers within sections 192 and 193 of the Planning Act 2008) into one new set to create a unified system that will apply to all such Orders.

Problem under consideration

Under the current system, local planning authorities (authorities) have powers to protect trees where it is expedient in the interests of amenity by making TPOs. These Orders are governed by provisions in the Town and Country Planning Act 1990, the Town and Country Planning (Trees) Regulations 1999 (SI 1999, No.1982), the Town and Country Planning (Trees)(Amendment)(England) Regulations 2008 (SI 2008, No.2260) and the Town and Country Planning (Trees)(Amendment No. 2)(England) Regulations 2008 (SI 2008, No.3202) as well as the provisions of the specific Order, which will vary depending on when it was made.

Each Order currently comes complete with its own set of rules on procedural matters such as appealing against the authority's decision and compensation for loss or damage arising from any refusal or condition. Once made, the Order remains fixed, unless the authority uses its powers to vary it or to revoke and replace it with a new Order. Any subsequent changes to the governing regulations which specify the provisions contained in the model Order are not retrospective and apply only to new Orders. So, depending on when an Order was made will determine the details of the protection it provides and the nature of the processes in place to administer it.

Rationale for intervention

The resulting complex system is unfair as it includes different provisions and rights for the owners of protected trees. It also results in unnecessary burdens on authorities in the making and management of these Orders. It is appropriate to address this increasing problem by consolidating and streamlining the provisions of the TPO system to reduce the administrative burden, particularly on authorities. This will create a simpler, fairer system that will be more accessible to the tree owner and save authorities £0.5m per annum in administration costs.

This proposal will affect the following sectors and groups:

- public sector (local planning authorities)
- tree owners (including business, voluntary sectors, charities and the public)
- third parties (including business, voluntary sectors, charities and the public)

Description of options considered

Option A: Do nothing

The option to do nothing will maintain the complex system and the inequalities that it contains.

- Authorities will continue to verify the specific provisions that apply to each Order when they consider an application or possible infringement of the Order. The Planning Inspectorate will also need to verify that rights of appeal are included in the original Order when an appeal is made to the Secretary of State in relation to a refusal of consent or imposition of conditions.
- Authorities will still be required to copy new Orders to third parties who may have no interest in the trees being protected. This is not considered to be a proportionate function.
- Understanding of implications of an Order and the processes involved (as detailed in the Model Order) will not be improved. The opportunity to improve transparency and understanding of the TPO process will be missed.
- Inequalities in the system will remain to the advantage/disadvantage of tree owners, applicants and authorities.

Option B: Amend primary legislation and consolidate existing regulations and simplify the TPO system

This option will bring all such Orders onto the same footing and consolidate existing legislation into one new set of regulations. Wholesale change is not proposed, but in the process the TPO system will be streamlined. This will be achieved by:

1. Cancelling the provisions in every existing TPO (apart from the information identifying the trees protected) using section 193 of the Planning Act 2008. This will remove the inconsistencies that authorities and the Planning Inspectorate have to resolve and make a fairer system which is easier for tree owners and applicants to use. This action will bring all existing Orders onto the same footing and allow one unified system to be introduced.
2. Consolidating existing legislation that deals with procedural matters for making and administering TPOs in one new set of regulations. This will produce one new set of enhanced provisions in The Town and Country Planning (Tree Preservation) Regulations 2012, which will apply to all such Orders whenever they were or will be made. This will be achieved by using powers in section 192 of the Planning Act 2008 to replace (in so far as they relate to England):
 - i) The Town and Country Planning (Trees) Regulations 1999 (SI 1999, No.1982)
 - ii) The Town and Country Planning (Trees)(Amendment)(England) Regulations 2008 (SI 2008, No.2260)
 - iii) The Town and Country Planning (Trees)(Amendment No. 2)(England) Regulations 2008 (SI 2008, No.3202)
 - iv) subsections 198(3), (4), (6), (8) and (9), and sections 199, 201, 203-205 of the Town and Country Planning Act 1990.

The duty imposed on authorities by section 197 of the Town and Country Planning Act 1990 to make TPOs as they think necessary when granting planning permission will remain unchanged, as will the more general power, in section 198 of that Act, to make these Orders in the interests of amenity. The proposed consolidation and streamlining will not change the level of protection provided to trees. Nor would it create an incentive to protect more trees by making new TPOs. However the new regulations on which the Department consulted would simplify the protection of trees through the making of such Orders by rationalising the provisions governing the system.

Whilst the level of protection provided would be unchanged, the unified system proposed would apply to all existing and future Orders and would simplify and improve the administration of the TPO system in the following respects:

Simpler TPOs - The regulations will bring all existing Orders onto the same footing by cancelling the content of every order, except the schedule listing the trees in their respective categories and the map showing their location. At the same time the regulations introduce a new model order in the slimmed-down format, which will make it simpler for local authorities to administer and the general public to understand.

Immediate protection from a TPO - Currently there are two ways for making a TPO. In the first, the Order will only come into force once the local authority has considered all objections, made any amendments and confirmed the order. Alternatively, where it appears that there is a need for the Order to come into force immediately, they can include a direction to that effect and in practice, most new Orders are made in this way. The direction provides provisional protection for a period of six months and the local authority would need to confirm the Order to continue that protection. The regulations adopt one system where all new Orders would provide immediate provisional effect and authorities could confirm them after considering any objections or representations. The change will make the system less bureaucratic and give earlier effect to protection.

Informing interested parties - Prior to August 1999, local authorities were required to send copies of TPOs to the owners and occupiers of the land affected by a new or varied Order. The 1999 Regulations added a requirement to send copies to the owners and occupiers of any adjoining land, even where they had no rights over the trees protected. This created a burden for local authorities as, for example, they would have had to send multiple copies to all the occupiers of neighbouring blocks of flats even though they may have been located some distance from the trees in question. The regulations refocus the

service of new Orders on those who had a right to prune or fell the trees covered by the Order. Local authorities will still be able to notify others, but this is now discretionary, so overall there will be a reduction in bureaucracy.

Exemptions to the need for obtaining consent - TPO legislation specifies several circumstances where consent is not required to carry out work to protected trees. This includes trees that are dying, dead or have become dangerous. The broad scope of this exception presents some uncertainty for those wanting to carry out what they believe to be exempt work. The new regulations omit “dying” from the exemptions and require prior notification of intended work for some exemptions to avoid unnecessary and potentially costly disputes between tree owners and the local authority.

Consents - TPOs made before August 1999 contain a power for local authorities to modify or revoke consent they have granted for specific work. The 1999 Regulations did not continue this power in relation to Orders made on or after that date, thereby complicating the system. The new regulations revoke the power in relation to all such Orders, thereby simplifying the system by removing a power that was in any case rarely used.

Conditions - The local authority has the power to impose a condition that limits the duration of the period in which consented work on a protected tree may be undertaken. The new regulations set a default of two years duration, with a power for the local authority to vary this if required, which enables the authority to consider applications for programmes of work, including repeated work, over a number of years. This will reduce the requirement for repeated applications and thereby reduce costs.

Planting replacement trees – Under the existing regulations, when a local authority grants consent to remove a protected tree, they will consider whether a condition requiring a new tree to be planted is necessary. However, when replacement planting is required in woodland, the local authority gives the landowner a direction (not a condition) to replant. The streamlined regulations remove the need for directions by enabling conditions to be used in all cases where replanting is required, thereby simplifying the system.

Compensation claims to the local authority for loss or damage arising from refusal of consent or conditions - Currently there are two compensation systems in operation:

- For all Orders made before 2 August 1999, local authorities are able to issue an ‘article 5 certificate’ which removes their liability to pay compensation under the Order. These certificates may be issued where the authority is satisfied that their decision is made in the interests of good forestry practice or that the trees or woodlands are of outstanding or special amenity value.
- The 1999 Regulations did not include this power, but introduced a revised and more clearly defined compensation framework for Orders made on or after 2 August 1999.

The streamlined regulations remove the power to issue article 5 certificates. By extending the approach in the 1999 Regulations to all Orders, irrespective of when they were made, the system will be consistent, simpler and fairer to tree owners.

Consultation

In September 2010, the Department ran a public consultation exercise on the proposed new regulations (Option B of this Impact Assessment) to consolidate the regulations supporting TPOs and streamline the system in England.

The public consultation exercise ran for 12 weeks from 28 September 2010 until 20 December 2010. It was drawn to the attention of a wide range of bodies and 246 consultation responses were received including from local authorities (57%), individuals (12%), public or private organisations (11%), national representative organisations (11%), local organisations (which for the analysis includes parish and town councils) (6%) and government agencies (3%).

Outcome of the consultation

The overwhelming majority of respondents, including businesses, supported the general principle of consolidating and simplifying the current system into a new single set of regulations to provide one

system for making and administering all Orders. There were about 250 responses, of which about 80% agreed that the proposal to consolidate legislation and introduce one system would benefit tree owners and authorities. Specific comments identified advantages of the consolidation in helping to cut red tape and produce greater consistency and transparency for all using the system. It was thought that the greater clarity that would be provided would help when giving advice to tree owners and applicants and for authorities in administering and enforcing Orders. In view of the strong support, the Department has decided to make the Regulations proposed in the consultation to remove the inconsistencies from all Orders and to introduce the new, shorter model Order. This process will not require authorities to make material changes to existing Orders, nor to make new Orders to replace them.

There was also strong support from consultees for the proposals to streamline the TPO system. Many of the proposals gained support from over three-quarters of the respondents, while proposals in regard to informing interested parties and qualification of works to dangerous trees received support from about two-thirds of respondents.

A majority supported the proposal to adopt a single compensation system for TPOs based on the post August 1999 model. This model would remove Article 5 certificates, which are available in regard to pre-1999 Orders and which local authorities can currently issue to remove their liability to pay compensation where the tree concerned was considered to be 'outstanding' or have 'special' amenity value. Some local authorities backed the change, but others were concerned about the removal of Article 5 certificates, suggesting suggest that where they face possible large claims arising from subsidence they will be forced to consent the felling of healthy trees with amenity value.

There were mixed views on the duration of a default period for consents to works – while over three-quarters of respondents agreed there should be a default period and nearly a half of respondents agreed a period of one year was acceptable, over one quarter of respondents suggested a period of two years would be more appropriate. Taking the written comments into account, a majority of local authorities administering TPOs preferred two years.

Some consultees suggested that the existing exemptions in regard to dead trees and branches should be removed.

Changes as a result of the consultation exercise

Following the consultation, the Government has decided to make the Regulations proposed in the consultation exercise on the streamlining of the TPO system, but with the following changes:

- To put into Regulations a requirement for a tree owner to give written prior notice to the local authority of their intention to carry out works authorized by an exemption unless there was imminent danger. This requirement was present in pre-1999 Orders and is recommended in the Department for Communities and Local Government guidance for all such Orders. The prior notice (by e-mail or letter) would not be onerous and would provide the local authority with the opportunity to require a full application if there was doubt the exemption applied and therefore avoid litigation;
- To increase the default period for the duration of consents for work on trees from one year to two years. This will increase flexibility for tree owners and make it consistent with the existing period for notified work to trees in conservation areas.

The streamlined system is considered to provide adequate safeguards in regard to concerns about compensation. The suggestion to remove the exemption in regard to dead trees and branches was not accepted, because this would have added to the complexity of the system and imposed new burdens.

A detailed consultation report including the Government response will be published on the Department for Communities and Local Government website.

Costs and benefits

Cost savings for local planning authorities

There will be administrative savings from only having to apply one set of provisions and having to disseminate a shorter TPO document (e.g. two instead of ten pages). No additional information will be required as authorities are already encouraged to provide general information about TPOs when issuing

a new Order. Information will also be available on the DCLG website. The unified system should give rise to fewer legal queries and uncertainties compared with the complex current system.

Currently authorities are required to serve copies of new Orders on all owners and occupiers of any land adjoining that on which trees protected by the proposed Order stand. This requirement, introduced in 1999, has in some cases proved to be very onerous for authorities with limited benefit. The new regulations would provide a more focused and proportionate process of notifying affected parties so that only the owner and occupier of the land on which the trees stand and those who have a right to cut the protected trees receive a copy of the Order.

There are many variables in making and serving a new Order which make costings of any change complex. A TPO may include trees on a single property or many properties (sometimes over 50). Each property could be surrounded by three neighbouring properties or in the case of larger properties or woodlands, may have many neighbouring properties with some in multiple-occupancy. The number of copies of the Order could therefore be quite large, possibly several hundred. Where a new Order is made, using the current system, to protect trees on a single property it will usually need to be served on at least four people - the owner of the property on which the tree stands and adjoining owners. In extreme cases this could be up to 600 individual notices where each occupier of blocks of flats is notified.

Each new Order currently consists, on average, of ten pages of small print plus a map and covering notice. Notices are usually served by hand on the owner/occupier of the property on which the trees stand and by recorded delivery or normal post to all adjoining properties. In addition to the owner/occupier of the land on which the trees protected by the Order stand, the new regulations propose that only those other people that the authority know to have a right to prune or fell the trees will receive a copy of a new Order. This will usually be where the trees overhang an adjacent property. This will reduce the service burden of the authority.

Owing to the variables described above, it is only possible to offer a range of savings for the service of new Orders. At the lower end, where the trees stand on a single property and do not overhang any adjacent property the savings will be fairly small. But where an Order protects trees on a larger number of properties the savings will be more substantive.

This saving is difficult to quantify. Research undertaken for the Department, published as *Trees in Towns II* (DCLG 2008) estimated that each authority makes on average about 17 new Orders a year, although there is great variability within authorities. In 2003/4, the latest year for which we have data, most authorities made less than 20 Orders but a small number made over 100.

In Arup's 2003 fees research for England (ODPM: *The Planning Service: Costs and Fees*) the total cost of the tree protection service was estimated at £15.5 to £18.8m. It is estimated that the task of serving copies of new Orders on the interested parties (currently the owner/occupier of the property on which the trees stand and any owner/occupier of land adjoining it) accounts for about 5% of the total cost of the tree protection service. The new Regulations only require new Orders to be served on the owner/occupier of the property on which the trees stand and anyone else who has a right to prune or fell the protected trees. Estimates of potential savings to the authority for this more focussed Order-serving process are between 50-65% of the cost of the existing Order-serving process (see Figure 1).

Figure 1: Estimated level of savings to LPAs for service of new TPOs

Example scenario	Possible requirements under the current system	Possible requirements under the proposed system	Potential reduction in costs
Lower range: Where an Order protects one tree on a single property	1 copy to the tree owner and 3 owners of adjoining property = 4 copies.	1 copy to the tree owner and 1 copy to owner over whose land the tree grows = 2 copies	50%
Upper range: Where an Order is served on many trees on many (e.g.150) properties	150 copies to the tree owners and 450 copies to owners of adjoining property = 600 copies.	150 copies to the tree owners and 50 copies to owners of adjoining property = 200 copies.	65%

This would result in a saving of about three per cent of the total cost of the service and would realise a potential saving of approximately £513,000 a year. This has been calculated on the basis that the estimated cost of serving copies of new Orders is 5% of the total cost of the tree protection service of £17.1m (midpoint of Arup's range): 5% of £17.1m = £855,000. The potential saving of 60% (rounded mid-point from Figure 1) of the cost of serving copies of new Orders would therefore be 60% of £855,000 = £513,000.

Costs to local planning authorities

Notification of change

Local authorities are not required to notify people about this change. TPOs do not usually affect people until they wish to do something that affects a protected tree. At this stage they will need to contact the authority who can then refer them to the appropriate information. This information can also be provided by the tree work contractor or consultant. The authority may wish to promote the changes through other means e.g. issuing a press notice at minimal cost.

Time savings for tree owners and third parties

The unified system will be more accessible, transparent and user-friendly. It should also be more robust in legal terms, as the effect of the Order will be easier to understand without the need for professional assistance.

Direct costs and benefits to business calculations

The new regulations would consolidate TPO provisions and streamline certain procedures associated with TPOs. This reflects the Government's ambition to cut through red tape that adds costs and puts unnecessary burdens on individuals, business and local government. Impact on businesses and civil society organisations will mainly apply through their ownership of trees coming under TPOs and a small proportion of businesses who act as tree contractors. The new regulations for a simpler Order will not impose any additional costs or transitional costs on businesses (including micro and small businesses) and civil society organisations.

The new single set of regulations introduces a unified system for all TPOs by replacing three existing sets of existing regulations. As mentioned above, the unified system will be more accessible, transparent and user-friendly. For example, the regulatory change will also introduce a shorter, simpler model Order and streamline certain procedures associated with these Orders, making them easier to understand without the need for professional assistance. This will be a direct benefit to tree-owning business and civil society organisations. Authorities will be more able to consider works for trees that are to be repeated on an annual or regular basis or for a series of operations over a stated period; this will also reduce burdens to applicants, such as businesses, by reducing the need for repeated applications.

The consolidated and streamlined regulations are not novel or contentious. Businesses have generally welcomed the simplification of the TPO system and considered it beneficial to them. This is reflected by the fact that, of the 23 private and business organisations who responded to the consultation, only one (a consultancy) thought that there was any benefit in the do nothing option. However there was little in the consultation responses to inform any quantification of the benefits to business. Reflecting guidance in the *IA Toolkit, How to do an Impact Assessment (August 2011)*, the small benefit to businesses has not been monetised - as the additional work required to gather and then analyse the necessary level of information to quantify the benefits would require a disproportionate amount of resources. Moreover, any estimate would inevitably still carry uncertainty.

The small firms impact test undertaken for the consultation stage Impact Assessment showed there was no cost to small firms – this was verified through partner engagement. The changes are deregulatory, as direct incremental economic benefits to business and civil society organisations exceed incremental costs.

Businesses such as tree owners and contractors (including micro-businesses) need to be in scope in order to enable them to benefit from the consolidated and streamlined TPO regulations. The

deregulatory measure has no transitional cost for business and a **waiver from the micro-business exemption is therefore appropriate.**

Non monetised costs and benefits

The aspects of streamlining described in Option B above are not monetised (with the exception of savings when serving Orders) because individually their financial costs and benefits are small and it is not proportionate to try to quantify them. These are itemised in Figure 2 on the next page. Collectively they will remove inconsistencies in the current system and provide greater clarity for tree owners and authorities. They will remove ambiguity and grounds for dispute, resulting in a fairer and more transparent experience for tree owners and contractors. These matters will also reduce the bureaucracy for authorities and help to reduce their administrative burden.

Figure 2: Costs & Benefits of non-monetised matters

Proposal	Regulation	Costs by group	Benefits by group
Bring all TPOs onto the same footing	All	None	<ul style="list-style-type: none"> All - One system applying to all TPOs, old & new End users - Remove inconsistencies; fairer LPAs - Remove checking of TPO provisions
Create new shorter model TPO	3	None	<ul style="list-style-type: none"> End users - Remove "small print" - easier to understand
All TPOs to have immediate effect	4	None	<ul style="list-style-type: none"> All - One system. Avoid loss of trees where prior notice of TPO given. LPAs - No separate direction required.
Clarify exemptions for dead and dying trees	14	None	<ul style="list-style-type: none"> All - Remove ambiguity and reduce exploitation; greater clarity on when work requires an application or is exempt.
Prior notification of exempted work	14	All - Minor increase in correspondence.	<ul style="list-style-type: none"> Opportunity to avoid disagreement that might lead to unnecessary applications for consent or litigation.
Create one system for duration of consents (default of 2 years) and varying/revoking consents	17	None	<ul style="list-style-type: none"> All - Creates certainty over duration of consent. End users - One system; fairer. DCLG - Removes Secretary of State from revocation/modification process.
Encourage applications for repeated or regular work	17	None	<ul style="list-style-type: none"> All - Fewer applications
Provide for the use of conditions to require replacement trees in woodlands	17	None	<ul style="list-style-type: none"> All - Adopt a single system to require replacement planting.
Adopt 1999 Regs system for compensation	24	<ul style="list-style-type: none"> Comparative costs and corresponding benefits to different parties are unknown. Only 6 appeals to Lands Tribunal in past 10 years. Number of claims received/settled by LPAs unknown. 	<ul style="list-style-type: none"> All - One system; more equitable system; limits of system defined End users - LPAs cannot remove themselves from liability to pay compensation.

Summary and implementation plan

The TPO system is currently complex and cumbersome. It is not fair as different rights and processes apply to different trees depending on when they were protected. The preferred option (Option B) will consolidate existing legislation and bring all TPOs under a unified, common system. Inequalities will be removed. Authority administrative burdens will be reduced and tree owners and applicants will have access to a streamlined and simpler system.

Regulations are intended to commence in April 2012.