

Councillor Julia Neden-Watts
Chair of the Environment, Sustainability, Culture
and Sports Committee
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8 February 2022

Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Homes and Communities.
2 Marsham Street
London
SW1P 4DF

By email: correspondence@levellingup.gov.uk

Dear Secretary of State,

Re: Tree Preservation Orders and Trees in Conservation Areas

I am writing on behalf of the London Borough of Richmond upon Thames regarding the provisions for protection of trees in the Town and Country Planning Act 1990, the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and the Guidance issued on 6 March 2014 on Tree Preservation Orders and Trees in Conservation Areas, now set out on line [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

The Act gives “amenity” as the grounds for protection and the online Government guidance specifically states that while nature conservation and climate change are factors that can be taken into account they are not sufficient grounds in themselves for making a Tree Preservation Order. The purpose of this letter is to follow up the following motion passed unanimously by the Council on 25th January which stated:

The “Council joins residents in recognising the importance of trees in the borough, not only in terms of visual amenity but also in terms of their vital environmental and ecological roles. This Council requests Government to review the legislation and guidance on Tree Preservation Order and Trees in Conservation Areas to enable greater weight to be given to nature conservation, biodiversity, climate change and maintenance of tree canopy in decisions on tree protection.”

I am accordingly writing to ask you to review the Guidance (and if necessary the Regulations and Act) to enable local planning authorities to give significantly greater weight when considering protection of trees to factors such as

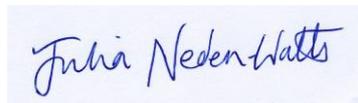
preserving the tree canopy to mitigate climate change, and to biodiversity and nature conservation notwithstanding the separate legislative requirements in relation to protected species.

In January 2020, the Council adopted an ambitious and wide-ranging Climate Emergency Strategy. More recently, COP26 in November 2021 has further focused minds on the impact of climate change and biodiversity loss, and loss of tree canopy is something to seek to avoid.

The issue about which I am writing has been exemplified by recent local unhappiness about the potential loss of trees on a backland site near Twickenham Green within a Conservation Area. One of the trees is a significant eucalyptus which is protected by a Tree Preservation Order, and the Council has refused permission for its felling. However, there are other less significant trees adjacent to it on the site and, on receiving the required 6 weeks' notice for tree works in a Conservation Area, the Council concluded, on the basis of the 2014 Guidance, these other trees are of insufficient amenity value to justify also being protected by a TPO. This means that the owner is free to carry out works to them, including felling. Nearby residents and local environmental organisations believe that these trees are of importance to wildlife, including bats, but, as mentioned above, the TPO legislation and guidance give limited weight to such factors and protected species are a matter for the Police Wildlife Officer rather than the Council. Council officers have, however, alerted the owner of the land to the relevant wildlife legislation.

I should be grateful therefore if you would review the guidance and legislation as a matter of urgency and I look forward to your response.

Yours sincerely



Cllr Julia Neden-Watts
Chair of the Environment, Sustainability, Culture and Sports Committee

c.c.

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