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**TREE PRESERVATION ORDER IN
LOCAL AUTHORITIES
ADMINISTRATION**

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ABSTRACT

Tree is an essential source in our life in order to balance the human's need and environmental aspect. Rapid development in urban area has caused maximum numbers of trees was cut this led to environmental issues. In Peninsular Malaysia, Tree Preservation Order (TPO) under Town and Country Planning Act 1976 has been created in order to protect the trees. Despite this way this kind of restriction is more beneficial towards the society, meanwhile it gives burden to the land owner as it gives unfavourably effect towards the value of land. Review of past studies shown that the studies focused on tree preservation's benefit and less focusing on the landowner's rights due as the restriction of Tree Preservation Order gives bad the effects toward the land value. This research aims to study the current standard operating procedure on the valuation of land compensation under Tree Preservation Order practicing by the local authorities. The objectives of this research are to identify the importance of tree preservation in local authorities' administrative area in the stated of Perak, to determine the current practice applied by local authorities in identifying private alienated land to be gazette with tree preservation order and lastly to study the property owner rights against the tree preservation order. This research is based on data obtained from an interview of person in charge in the related department in three different local authorities in Perak. The transcription and interpretation of data from the interview was analysed through Atlas.ti© qualitative software. From the interview, it revealed that there are several important of benefits tree preservation in local authorities' administrative area. Even though the local authorities realize about the benefit from it, however there was no practice of TPO applied by the respondent's local authorities. This mainly caused by the lack of S.O.P from the related department contributed less in awareness and knowledge of the respondents regarding to the TPO. If the TPO is being practiced, the property owners have rights to claim the compensation and object towards the value of compensation in the gazetted area which parallels to the Section 35D in Town and Country Planning Act and Article 13 of Malaysia Federal Constitution.

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CHAPTER ONE

INTRODUCTION

1.1 Research Background

Tree is very important in our life. It produces the oxygen by photosynthesis process in exchange by absorbing the carbon dioxide in the surrounding. Apart from that, it also acts as pollution removal which will enhance air quality especially in the cities where the rapid development happens and thus can enhance the human wellbeing (Nowak, Crane and Stevens, 2006). Generally, other than improving the air quality, trees also provide communities with energy savings, health, aesthetic, habitat for animals and recreation benefits in urban areas (Tyrväinen, Pauleit, Seeland and Vries, 2005; Zhang, Hussain and Deng, 2007). The natural chilling effect produced by green plants will help reduce the negative effect from urbanization of the city such as the urban heat island where this will occurs when most of the land in the city centre flooded with concrete buildings over greenery (Miller, Hauer and Werner, 2015). In addition, a shading canopy of trees in urban areas affected by natural cooling to give shade to the soil surface and indirectly through transpiration (Scott, Simpson and McPherson, 1999).

The rapid development especially in the city has caused towards the environment problems especially towards the trees where it becomes the victims by its felling. Despot and Gerhold (2003), found that the site constraints were the most the reason not to preserving trees and the second biggest boundary preserving the tree was lack of knowledge and followed by the apparent higher expenses of tree preservation.

The awareness on the need to preserve the tree began to be associated with many areas that have the unplanned development which increasing heat in urban areas. So local authorities have important obligation in order to protecting trees in their administrative areas (Ramly, Noriah and Raziah, 2016). Tree preservation order (TPO) under the Act 172, Town and Country Planning Act 1976 has discussed the preservation of trees process in Malaysia which consists of Section 35A until Section 35H). The function of Tree Preservation Order (TPO) is to impose on the selected trees which will give a significant effect on the environment and its enjoyment of general population if it is being felled (Ramly et al., 2016).