

TPO Frequently Asked Questions

The information within this page is for guidance only and is not a statement of law. You should consult a solicitor if you are unsure of your legal rights and responsibilities

What is a Tree Preservation Order?

A TPO is an order made by a Local Planning Authority (LPA) in respect of trees, which in general terms makes it an offence to cut down, uproot, prune, damage or destroy the tree or trees (including roots) without the planning authority's permission.

What is the purpose of a TPO?

To protect trees that make a significant impact on their local surroundings and whose loss would have a significant impact on the environment and its enjoyment of the public.

What type of trees can be protected?

A TPO can apply to a single tree, a group or area of trees or a woodland, and can include hedgerow trees. The trees do not necessarily have to be of a certain species, size or age.

There are trees that I think should be protected, what can I do?

Contact us giving details of the trees, including the location, and the reasons why you think the tree(s) should be protected. The Council will then assess the amenity value of the tree(s) before reaching a decision on whether they are worthy of a Preservation Order.

If I see work being carried out on a protected tree, how can I find out if the owner has permission?

You can find out whether an application was made to the LPA by checking the Register of Applications on the website or by contacting the Council on 01507 601111 or trees@e-lindsey.gov.uk

Will the Council pay or contribute towards the cost of any works?

Unfortunately no. East Lindsey District Council can however provide free informal advice and guidance on the management of prominent trees.

How can I apply for consent?

Prior to applying to do works to a TPO Tree it is important to discuss the work with the Council, as we can offer advice on the appropriate management of the tree, and the most appropriate works. You can apply for works by downloading the TPO Tree Works Application Form. Applications made without using this form cannot be accepted.

What happens once I have applied?

Once the Local Planning Authority has received a completed application, it will be acknowledged with a letter explaining the procedure and when a decision can be expected. The application will be added to the register of applications on the Council's website and comments will be requested from the local Parish Council & Tree Warden(s). It is also likely that the Council's Tree Officer will need to visit the tree. Once the application and any comments have been considered, the decision will be reached and issued in writing, to the applicant and anyone who submitted comments.

How long does the process normally take?

The council has a period of 8 weeks to determine the application from the date of registration. We will endeavour to inform you of our decision in writing within this period.

The LPA may advise you in its decision letter that part of the work is acceptable and give consent to this but refuse other parts of the work that are considered unacceptable. **YOU MUST NOT CARRY OUT THE WORKS UNTIL YOU HAVE RECEIVED A LETTER OF CONSENT.**

If I remove a protected tree, having gained consent, do I need to plant a replacement?

Yes, you would normally be required to plant a suitable replacement tree, to the satisfaction of the Council.

What would happen if I carry out works to a protected tree without permission?

- The courts have powers to fine anyone contravening a TPO. The maximum fines are £20,000 for destroying a tree and up to £2,500 for anyone who does not completely destroy a tree but has carried out some other works without consent.
- Please note that it is no defence for a defendant to plead that they were unaware that a TPO existed on a particular tree.

What if my application is refused?

If you disagree with our decision, you have the right to appeal to the Planning Inspectorate, acting on behalf of the Secretary of State for the Environment. The decision letter will have included guidance on how to do this and there is no charge made for an appeal.

If you do not appeal the decision within 28 days, you are deemed to have accepted the decision.

Are there exemptions to the need for the LPA's consent prior to undertaking works to TPO Trees?

Yes, there are a number of exemptions to the need for the LPA's consent. Probably the most important exemption is when a tree is imminently dangerous. However, if relying on this exemption you are advised to inform the Council as soon as possible, and to retain evidence of the need for this work. If at all possible, consult the Council prior to undertaking the work to avoid the possibility of legal action.