



Saxilby with Ingleby Parish Council

Non-confidential

Tree Preservation Order Assessment Next Steps

Report to: Planning and Development Committee June 2026

Meeting Date: 17 June 2026

Report by: Clerk

Power/duty which decision falls under:

The committee is exercising its general advisory and consultative role in relation to planning and environmental matters. The statutory power to make Tree Preservation Orders rests with the Local Planning Authority under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Which council objective(s) it falls under:

- Maintain and improve community facilities and amenities
- Protect and enhance our green spaces and street scene
- Preserve and enhance heritage assets, environmental assets and wildlife
- Improve the well-being of residents
- Respond to planning consultations in-line with the NDP, to meet the needs of the community and addressing any transport impacts
- To foster public participation and engagement
- To recognise the climate and biodiversity emergency and it should be considered as the basis of all decision and policy making

SUMMARY:

The Council previously identified a number of trees within the parish which it considered may warrant protection through Tree Preservation Orders (TPOs) and requested that West Lindsey District Council (WLDC) undertake assessments.

WLDC's Tree Officer has advised that whilst the identified trees may provide significant amenity value, it would not be appropriate to undertake TPO assessments unless there is evidence that the trees are at risk from inappropriate pruning, felling, development pressure, or other activities that could cause harm. The officer confirmed that the legal test for making a TPO requires not only amenity value but also expediency, meaning a credible threat to the tree must exist.

At present no known threats have been identified by officers in relation to the trees submitted for consideration. The committee is therefore asked to consider whether it is aware of any current or emerging risks that could justify further referral to WLDC for assessment.

RECOMMENDATION(S):

Having considered the report, it is recommended that the Committee:

- a. Notes the response received from West Lindsey District Council regarding the assessment of potential Tree Preservation Orders.
- b. Considers whether any of the identified trees are subject to known or emerging risks, including proposed development, intended felling, significant pruning, land use changes, or other threats.
- c. Where specific threats are identified, instructs the Clerk to provide further information to West Lindsey District Council and request that an amenity assessment be undertaken.
- d. Agrees that the identified trees continue to be monitored and that any future concerns raised by councillors, residents, officers or planning applications are referred to West Lindsey District Council for consideration.

Public Sector Equality Duty:

Consider how policies/decisions affect those protected under the Equality Act)

N/A

Duty to conserve and enhance biodiversity:

Supports the Council's biodiversity duty by encouraging the retention and protection of mature trees where appropriate.

Consideration on carbon reduction:

The proposal supports carbon reduction objectives through the preservation of established trees which act as carbon stores and continue to sequester carbon throughout their lifespan. Retention of mature trees also contributes to climate resilience and local environmental quality.

Impact on staff:

Low. Any monitoring of identified trees and liaison with West Lindsey District Council can be undertaken within existing officer resources and forms part of normal council business. No additional staffing requirements are anticipated.

Does the report consider any new activity? If 'Yes', has a risk assessment, including risk management proposals, been included for consideration and adoption by the council? (Financial Regulation 17b)

Yes

Consideration of risk management in relation to the proposal¹

When protecting a local council effectively, it is important to consider if risk is present in the following areas:

Risk Area	Risk Present / Description?	Likelihood	Impact	Risk Rating	Mitigation & Contingency
Decision Making / Strategic	Failure to identify threats to important trees may result in opportunities for protection being missed.	Low	Medium	Low	Ongoing monitoring by councillors and officers. Referral to WLDC where concerns arise.
Finances	No direct financial implications arising from the recommendation.	Low	Low	Low	None required.
Property	N/A – the trees identified are not Council-owned assets.	N/A	N/A	N/A	Monitor trees and report concerns promptly.
Staff / Operational	Minimal officer time required to monitor and liaise with WLDC where necessary.	Low	Low	Low	Managed within existing resources.
Legal	Council has no power to make TPOs and must rely on the Local Planning Authority applying the statutory tests.	Low	Low	Low	Follow statutory process through WLDC.
Communication	Public expectation that all notable trees can be protected may not align with legal requirements.	Medium	Low	Low	Clear communication regarding the legal tests of amenity and expediency.
Insurance	No insurance implications identified.	N/A	N/A	N/A	None required.
Inspection / Events	Failure to identify emerging threats could reduce opportunities for future protection.	Low	Medium	Low	Continued observation through routine councillor and officer activities and upon receipt of planning applications

¹Risk areas to consider - strategic/operational, likelihood/impact, add to risk register? Any contingency planning needed?

REPORT

Background

The council identified a number of trees in the parish that felt would benefit from TPO to protect them. Officers contacted West Lindsey District Council² requesting that the identified trees be assessed for potential Tree Preservation Orders.

The reply from the tree officer thanked the council for the list of trees considered to be important features within Saxilby, however, they advised it would not be appropriate for them to carry out an amenity assessment to see if they meet the criteria for a TPO unless there is good reason to suspect they might be at risk of inappropriate pruning, felling, or harm by activities around them such as by development.

They noted although the trees might provide good amenity to the area it might not be expedient to make a TPO, with the receipt of a planning application being a common reason for a TPO to be made as development can create pressure to cut trees back or remove them.

The officer advised if any of the trees are thought to be at risk of inappropriate pruning or removal or are on or adjacent to land intended to be developed, then to let WLDC know and they can undertake an amenity assessment.

Legislation

The process for Tree Preservation Orders (TPOs) is set out in legislation. TPOs are primarily governed by:

- Town and Country Planning Act 1990 – sections 197–214 give local planning authorities (LPAs) the power to protect trees.
- Town and Country Planning (Tree Preservation) (England) Regulations 2012 – sets out the detailed procedure for making, confirming, varying and enforcing TPOs.

“Amenity” + “Expediency”

There is a key legal test for an authority to make a TPO. The authority must be satisfied that:

- The tree provides **amenity** value (public visual/environmental benefit), and
- It is “**expedient**” to protect it.

Expediency is the crucial factor. It generally means there is a real risk of harm, such as:

- Proposed development (planning applications)
- Threat of felling or heavy pruning
- Land-use change

Without that risk, local planning authorities are generally reluctant to act.

² [Tree Preservation Orders | West Lindsey District Council](#)

Typical process

Step 1 – Trigger

- Usually reactive:
 - Planning application submitted
 - Report of a tree at risk
 - Evidence of intended works

Step 2 – Initial assessment

- Tree officer assesses:
 - Visibility and public amenity
 - Condition and longevity
 - Contribution to the wider landscape

Step 3 – Expediency judgement

- Is there a credible threat?
- If yes → proceed to TPO

Step 4 – Making the TPO

- LPA serves a provisional TPO (takes immediate effect)

Step 5 – Consultation period (28 days)

- Landowners and interested parties can object or comment

Step 6 – Confirmation

- LPA must confirm (with or without modifications) within 6 months, or it lapses

Reactive vs proactive – what the law allows

- The legislation does not prohibit proactive TPOs
- However, it requires expediency, which effectively pushes LPAs toward a reactive approach

So in practice:

- **Reactive approach (most common)**
 - ✓ Triggered by development or threat
 - ✓ Easier to justify legally
- **Proactive approach (less common but possible)**
 - ✓ Area-wide TPOs or early protection of high-value trees
 - ✗ Harder to justify without clear risk
 - ✗ Resource-intensive

The officer applied the legal test correctly.

- “Trees have amenity” → this is not enough on its own
- “May be at risk” → this is required to justify expediency

As a result, they have asked the council to identify

- Specific trees
- Specific threats (e.g. development sites, known intentions)

Next steps

The council needs to consider whether any of the identified trees meet the expediency test and whether further information should be provided to support a request for assessment. To assist with this, the council should:

- Link trees to:
 - Known or emerging development sites
 - Neighbour concerns about felling/pruning
- Provide:
 - Locations (maps)
 - Reason for concern (even anecdotal evidence can help)

As such committee is asked to consider whether there are any imminent concerns identified relating to the trees requested for an assessment by the Tree Officer:

- Corner of Highfield Avenue/High Street (3 trees)
- Manor Road, outside entrance to Oakland (2 trees)
- High Street, outside The Haven (1 tree)
- Church frontage, viewed from the road (5 trees)
- Churchyard, left side burial ground towards the rear (1 tree)
- Sykes Lane, green area opposite Wildline Wildlife Sanctuary (all trees)
- Waterfront (all willow trees)
- Recreation Ground, adjacent residential garden (1 tree)
- Queensway (1 willow tree)
- Wispington House, neighbouring property at no 35. (1 tree)

Officers are not currently aware of any imminent threats to the identified trees. Members are invited to advise whether they are aware of any proposed development, intended works, land-use changes or other circumstances that may place any of the identified trees at risk.