

East Lothian Council submission of 1 August 2022

PE1812/TT: Protect Scotland's remaining ancient, native and semi-native woodlands and woodland floors

The mechanisms in place for reporting a potential breach of a Tree Preservation Order (TPO), including how such information is recorded and analysed.

Notification of possible breaches will be received by telephone or to the landscape inbox. One of the team will then follow this up by checking recorded tree work approvals. If there is no record of approval, site investigation will be carried out. If it is found to be a breach of TPO we will record this in a folder called enforcement under the TPO number in our filing system.

The number of potential breaches of TPOs reported to you between 2012-22, broken down by year.

On our filing system we have recorded 1 breach for 2012, 3 breaches in 2016 and 2 breaches in 2019.

The number of prosecutions you have undertaken in relation to Tree Preservation Orders (TPO) between 2012 – 2022; broken down by year

The landscape team are unaware if any reports have been sent to the procurator fiscal. We report the breach to the Planning Service manager who would have to instruct legal to provide a copy of the reported environmental crime to the procurator fiscal.

The number of occasions where a breach of a TPO has not proceeded to prosecution, and the reasons for not pursuing prosecution

Reasons that we have not submitted a report to the procurator fiscal in five cases is because the damage caused by the work to the TPO has been adequately mitigated for by replacement planting and/or was

enforced through the planning permission / condition process rather than TPO legislation.