

REPORT TO: PLANNING & TRANSPORTATION COMMITTEE – 31 MARCH 2003

REPORT ON: REQUEST PERMISSION FOR SERVICE OF TREE REPLACEMENT NOTICE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 215-2003

1 PURPOSE OF REPORT

- 1.1 This report seeks the agreement of the Committee to allow the service of a Tree Replacement Notice at 22 Panmure Terrace, Dundee.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee authorise the service of a Tree Replacement Notice under the terms of Section 168 of The Town and Country Planning (Scotland) Act 1997 on land-owners who have failed to replace a tree after having unlawfully pruned it.
- 2.2 It is recommended that the Director of Planning and Transportation be remitted, in consultation with the Director of Support Services, to serve a Tree Replacement Notice on the property at 22 Panmure Terrace, Broughty Ferry, Dundee.

3 FINANCIAL IMPLICATIONS

- 3.1 All costs incurred in taking direct action, including staff time and administration charges, will be recovered from individual owners.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 This request is in line with two Key Themes of the Local Agenda 21. Firstly, the diversity of nature is valued and protected. The replacement of the tree within the garden ground will ensure that the amenity previously brought by the damaged tree is returned. Secondly, pollution is limited to levels at which natural systems can cope.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 There are no equal opportunity implications.

6 BACKGROUND

- 6.1 The Council has promoted and continues to promote Tree Preservation Orders and the protection of Trees in Conservation Areas. In doing so, legal protection is afforded to Trees within these areas. In effect, landowners have to seek permission from the Planning Authority to carry out works to trees within their garden grounds.
- 6.2 The landowner above whose garden ground is covered by a Tree Preservation Order carried out works to a tree within their garden ground. The works carried out were to an unacceptable standard and no consent was sought from the Planning Authority.

- 6.3 At present the Scheme of Delegation does not include the service of Tree Replacement Notices in the powers delegated to the Director of Planning & Transportation. The Notices will dictate the planting period, size and species of tree to replanted. Given the damage to the mature tree involved it is likely that a semi-mature tree will be sought as a replacement. In terms of planting season, it is sought to have a replacement tree planted before the end of the spring planting season 2003.

7 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, and , have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 None

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Building Quality Manager

IGSM/DMcL/RJ

24 March 2003

Dundee City Council
Tayside House
Dundee