

REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE - 20 JUNE 2005

REPORT ON: REQUEST PERMISSION FOR SERVICE OF TREE REPLACEMENT NOTICE - 2 DUDHOPE TERRACE, DUNDEE

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 226-2005

1 PURPOSE OF REPORT

- 1.1 This Report seeks the agreement of the Committee to allow the service of a Tree Replacement Notice on the owner at 2 Dudhope Terrace, Dundee.

2 RECOMMENDATION

- 2.1 It is recommended that the Director of Planning and Transportation be remitted, in consultation with the Depute Chief Executive (Support Services), to serve a Tree Replacement Notice, as specified in paragraph 6.3, under the terms of Section 168 of the Town and Country Planning (Scotland) Act 1997 ('the Act') on the owner of the property at 2 Dudhope Terrace, Dundee, who has failed to replace five trees situated in a conservation area after felling them without seeking the Council's permission. Failure to comply with the notice will lead to the Council undertaking direct action as specified in paragraph 6.3.

3 FINANCIAL IMPLICATIONS

- 3.1 The estimated cost of the tree purchase and planting is approximately £350. In the event of direct action being undertaken by the Council, all costs incurred including staff time and administration charges, will be recovered from the 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 trees within the garden grounds will ensure that the amenity previously brought by the felled trees 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 conservation areas and trees covered by a TPO. In effect, landowners have to seek permission from the Planning Authority to carry out work to such trees within their garden grounds.

- 6.2 The landowner whose garden ground lies within the Crescent's Conservation Area cut down five trees within their garden ground and no consent was sought from the Planning Authority. Under Section 174 of the Act the landowner is under a duty to plant trees to replace them.

- 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 and Transportation. The Notice will dictate the planting period, size and species of trees to be replanted. The Forestry Officer has recommended that four trees as replacements should be planted within the curtilage of the property before the end of Autumn planting 2005. A map detailing the proposed new planting is on display in the Members' lounge. If the owner fails to comply with the terms of the notice the Council will undertake direct action and recover all costs from the landowner.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Head of Planning

IGSM/DMcL/RJ

8 June 2005

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