

**REPORT TO: PLANNING & TRANSPORTATION COMMITTEE –
2 DECEMBER 2002**

**REPORT ON: REQUEST PERMISSION FOR SERVICE OF TREE REPLACEMENT
NOTICES**

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 723-2002

1 PURPOSE OF REPORT

1.1 This report seeks the agreement of the Committee to allow the service of Tree Replacement Notices at various sites throughout the city.

2 RECOMMENDATIONS

2.1 It is recommended that the Committee authorise the service of Tree Replacement Notices under the terms of Section 168 of The Town and Country Planning (Scotland) Act 1997 on land-owners who have failed to replace trees after having them unlawfully pruned or removed.

2.2 It is recommended that the Director of Planning and Transportation be remitted, in consultation with the Director of Support Services, to serve Tree Replacement Notices on the following properties: owners of 11 Loftus Place, Dundee, 15 Loftus Place, Dundee, land south of Richmond Terrace, Dundee and 1 Ross Gardens, Dundee.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications at this stage which will be incurred by the Council. However, the potential cost to the individual householders could be between £500 and £1,000. If the Notices are not complied with, then the aforementioned cost could be incurred by the Council and recompense sought.

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 these trees within their respective areas will ensure that the amenity previously brought by those trees damaged or removed, 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 the landowners have to seek permission from the Local Planning Authority to carry out works to trees within their garden grounds.

6.2 The landowners listed above have carried out works to trees which are either currently protected by a Tree Preservation Order or are situated within a Conservation Area. The works carried out were to an unacceptable standard or the tree or trees were wholly removed.

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

7 CONSULTATIONS

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

8 BACKGROUND PAPERS

- 8.1 None

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25 November 2002

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