

## 11 CONFIRMATION OF TREE PRESERVATION ORDERS (AN256-2007)

08/2007 - LAND AT AND TO THE EAST OF 12 BRIARWOOD TERRACE

Members are asked to note that this site is contained within the West End Suburbs Conservation Area. In March 2007 the Council were made aware that a mature Hawthorn tree had been felled without the Council receiving the necessary six weeks notice in writing of the intended works from the owner of the relevant part of the site. On the recommendation of the Council's Forestry Officer the owner was required to replace this tree with a Hawthorn tree of a specific size which was done

Members are asked to note that following this, on 22nd May 2007 the Council made a provisional Tree Preservation Order on the above mentioned site covering the replacement Hawthorn tree and other mature trees on the site. This was done to protect and preserve the arboreal amenity of the area. One objection to the Tree Preservation Order has been received from one of the owners.

The full terms of the letter of objection together with a copy of the Tree Preservation Order are available for Members' consideration in the Members Lounge. The following terms of the objection are considered relevant to the Tree Preservation Order.

1. "The Planning Authority has adopted an arbitrary and vexatious approach to the making and serving of the Tree Preservation Order 8-2007". Council response - due to the history of this site, it is considered expedient to protect both the replacement tree and the remaining mature trees on this site.
2. "By including two separate titles in one Tree Protection Order, the Planning Authority imposes on the objector an unfair burden to protect and preserve trees in a group of trees on land not in the objector's ownership over which he has no control."

Council response - Each owner is responsible for the protected trees on his land only.

3. "The Authority is expedient in the making of the Order in terms that are grossly overstated".  
Council response - the Council's Forestry Officer considers the young replacement Hawthorn tree, if allowed to mature, will preserve the visual amenity of the surrounding area along with the other more mature trees protected by the Tree Preservation Order.
4. "The replacement Hawthorn tree "T1" was the subject of neither an Enforcement Notice nor of any decision of a Reporter therefore merits no extraordinary protection than that afforded to any other tree or trees of a similar description in the Conservation Area."

Council Response - as above at point 3 the Council's Forestry Officer considers that the young replacement Hawthorn tree, if allowed to mature, will preserve the visual amenity of the surrounding area along with the other more mature trees named in the Tree Preservation Order.

5. "The Planning Authority is biased in its administration of Tree Preservation Orders in this area, including Tree Preservation Order No 8-2007."

Council response - representatives from the Planning and Transportation Department, Legal Services and the Forestry Officer meet once a month to discuss, agree and then implement a "rolling programme" of Tree Preservation Orders.

09/2007 - GROUND AT 22 FOGGYLEY GARDENS, DUNDEE

Members are asked to note on 5th July 2007 the Council made a provisional Tree Preservation Order on the above mentioned site. The Council's Forestry Officer requested that this be done in order to protect and preserve the arboreal amenity of this area of Dundee.

No objections have been received to this Tree Preservation Order.

A copy of the map will be placed in the Members' Lounge.

Members are asked to authorise the Depute Chief Executive (Support Services) and the Director of Planning and Transportation to undertake the necessary procedures and confirm the above Tree Preservation Orders.

