

**REPORT TO: PLANNING & TRANSPORTATION COMMITTEE - 27 APRIL 2004**

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

**REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION**

**REPORT NO: 256-2004**

## **1 PURPOSE OF REPORT**

- 1.1 This report seeks the agreement of the Committee to allow the service of a Tree Replacement Notice at "Woodcroft", 69 Dundee Road, Broughty Ferry, Dundee.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Director of Planning and Transportation be remitted, in consultation with the Depute Chief Executive, to serve a Tree Replacement Notice under the terms of Section 168 of the Town and Country Planning (Scotland) Act 1997 on the owners of the property of "Woodcroft", 69 Dundee Road, Broughty Ferry, Dundee who have failed to replace approximately 17 trees after unlawfully felling them.

## **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 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 these areas. In effect, landowners have to seek permission from the Planning Authority to carry out work to trees within their garden grounds.
- 6.2 The landowners whose garden ground lies within the West Ferry Conservation Area felled approximately 17 trees within their garden grounds 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 and Transportation. The Notices will dictate the planting period, size and species of trees

to be replanted. The Forestry Officer has recommended 8 trees as replacements that should be planted before the end of the spring planting 2004.

## **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.

## **8 BACKGROUND PAPERS**

8.1 None.

Mike Galloway  
Director of Planning & Transportation

Ian Mudie  
Head of Planning Services

LC/WM

25 March 2004

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