

8 CONFIRMATION OF TREE PRESERVATION ORDER - 10/2005 - GROUND AT PITALPIN HOUSE, PITALPIN STREET, DUNDEE (AN39-2006)

Members are asked to note that on 14th September 2005 the Council made a provisional Tree Preservation Order on the abovementioned site. This was done to protect the trees in anticipation of the future development of the site (subject to planning permission) and to preserve the arboreal amenity of the area. Two objections to the Tree Preservation Order have been received. These were from an owner and occupier of one property at the site. Their objections are as follows:

- (1) "No consultations by the Council regarding service of a Tree Preservation Order and no permission from the owner was sought or given to enter onto the land to carry out the tree survey."

The Members are asked to note that negotiations with the owner/occupier for development of this site for housing have been underway for a considerable amount of years and these negotiations would have included the amenity value of the trees. Furthermore, the Councils Forestry Officer has the right of entry under the Town and Country Planning (Scotland) Act 1997, Section 176 (1). Any person duly authorised in writing by a planning authority may enter any land for the purpose of (a) surveying it in connection with making or confirming a tree preservation order with respect to the land.

- (2) "Some of the trees are not in their ownership."

The Council has undertaken all reasonable steps to ascertain the ownership of the trees and notified all owners.

- (3) "Request removal of a number of trees included within the Tree Preservation Order as they consider them to be in a dangerous."

The Forestry Officer has reviewed the trees included within the said Tree Preservation Order and has agreed to the removal of T3, T4, T5 and T8 due to their condition.

- (4) "Group 1 of the Tree Preservation Order are past maturity and by nature should be harvested."

The Forestry Officer has advised that this group of mature Sitka Spruce trees is of a high visual amenity for the area and therefore recommends they should be confirmed as part of the Tree Preservation Order. It should also be noted that the local area officer of the Forestry Commission concurs with the retention of these trees and has advised that should the owner seek to remove any or all of these trees a felling licence would be required.

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 with the modification recommended by the Forestry Officer in this report.

A copy of the Tree Preservation Order and letters of objection are available in the Members lounge.