

## Supplementary Information

### **Agenda Item 12**

### **Tree Preservation Order 171**

As members will be aware Mr Brookes's wrote to them by email on 3<sup>rd</sup> December 2015 raising certain concerns. For those members who have not yet seen this correspondence a copy will be displayed on the board. In summary in addition to providing a copy of his objection to the provisional Order (which it is unnecessary to repeat here given it is referred to in the agenda report), Mr Brookes refers in particular to issues concerning the impact of trees on his property, recent tree work that has been completed at Fintry (following an approval decision for these works), that the property is not visible from Jug Bank, and a request to committee members that that they refuse the confirmation of TPO171 or that they remove T2 from the confirmed order.

Your Officer would note that whilst this information is outside the 28 day period allowed for comment, particular issues are raised, including the impact of works already undertaken and Mr Brookes concern that the effect of the Order would be to deprive the property of the benefit of the works already permitted and undertaken. Your officers would like to assess these issues on site. In order to allow time for such a site visit to take place, your Officer's recommendation is now that this item be deferred to the next Planning Committee of Tuesday 5<sup>th</sup> January 2016.

The 6 month period for this Order expires on 7<sup>th</sup> January 2015. It should be noted that the deferral of this item to the planning committee of 5<sup>th</sup> January 2015 would not take the Order beyond the six month period by which a provisional Order must be confirmed. The decision on whether to defer a decision is for the Committee to make.

As members will also be aware, Mr Brookes copied them in on an email to your officer of 7<sup>th</sup> December 2105. Mr Brookes raises concerns about a procedural defect in the serving of the order whereby he states that insufficient copies of the order have been served, your Officer can confirm that two letters, with copies of the order enclosed were delivered to Mr Brookes home, one addressed to Mr Brookes, and one to the owner/occupier of Fintry. Following consultation with the council's Legal section, your officers can confirm that the correct procedure has been followed in the serving of this order.

**The recommendation is accordingly now amended to one of deferral**