



## DEVELOPMENT SERVICES

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Your reference:

Our reference: 2022/TPO/004

## DECISION NOTICE

**Town and Country Planning (Scotland) Act 1997**

**Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010**

**Application for Works to Trees Protected by The Moray Council (Dunkinty House, Elgin) Tree Preservation Order 2003**

**Removal of 5 x Scots Pine [T0186, T0205, T0208, T0209 and T0210] and remove lowest NW limb to rebalance crown of 1 x Scots Pine [T0185] at 5 Dunkinty, Elgin**

With reference to the application for works to trees received on 19 April 2022, Moray Council hereby **PART GRANTS and PART REFUSES** permission for the above works in accordance with particulars below.

The Moray Council **GRANTS** permission to remove 1 x Scots Pine [T0210] and remove lowest NW limb to rebalance crown of 1 x Scots Pine [T0185], subject to conditions attached to this consent.

The Moray Council **REFUSES** permission to remove:-

- (i) 1 x Scots Pine [T0208] as the tree is not in poor health or structural condition; and
- (ii) 3 x Scots Pine [T0186, T0205 and T0209] as insufficient evidence has been provided to establish whether significant internal disfunction is present within the stems of the trees.

### CONDITIONS:-

1. The works shall be carried out in accordance with BS:3998:2010 by a fully certified and insured arborist.

Reason: To safeguard the health and condition of trees.

2. The works shall not damage other trees in close proximity, leading to a loss of amenity value.

Reason: To safeguard the health and condition of trees in close proximity.

3. 1 replacement tree, of a minimum 'Standard' specification, shall be planted during the planting season immediately following the completion of tree works. Details of the siting, species, height (at the time of planting) and protection measures of replacement trees shall be submitted to and agreed in writing by the Planning Authority prior to planting.

Reason: To maintain the amenity value protected by The Moray Council (Dunkinty House, Elgin) Tree Preservation Order 2003.

4. Consent is valid for 2 years from the date of this notice.

Reason: To enable the Planning Authority to have regard to future amenity.

Date of Notice: 03 May 2022

**Gary Templeton**  
**Strategic Planning & Development Manager**

## **ADVISORY NOTES**

The permission of the landowner(s) where the trees are located must be obtained prior to any tree works being undertaken.

Bats and their roosts, even when not in use, are protected under the Conservation (Natural Habitats) Regulations 1994 as European Protected Species. Prior to commencement of works, a survey for the presence of bats and their roost should be undertaken. If bats are found, a licence is required from [NatureScot](https://www.naturescot.gov.uk/) to carry out works to the trees.

All birds and their nests are protected under the Wildlife and Countryside Act 1981. Prior to the commencement of works, a survey for the presence of nesting birds should be undertaken.

## APPEAL PROCEDURE GUIDANCE

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED

#### Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulation 2010

If the Applicant is aggrieved by the decision of the Planning Authority to refuse permission for tree work, or to grant permission subject to conditions, the Applicant may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, as adapted and modified, within three (3) months from the date of this notice. The Notice of Appeal should be addressed to:

The Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Falkirk  
FK1 1XR  
Email: [dpea@gov.scot](mailto:dpea@gov.scot)

Notice of Appeal Forms and further guidance should be obtained from the above address or from the Directorate for Planning and Environmental Appeals Website at <https://www.gov.scot/publications/tree-works-consent-appeals-form-guidance/>



**NOTIFICATION OF COMPLETION OF WORKS TO TREES PROTECTED BY TREE PRESERVATION ORDER (TPO)**

Application Number: 2022/TPO/004

Date of Decision Notice: 03/05/2022

Location and description of works: \_\_\_\_\_

\_\_\_\_\_

Name, address and contact details of contractor: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of completion of works: \_\_\_\_\_

Signed: \_\_\_\_\_

Name (Print): \_\_\_\_\_

Date: \_\_\_\_\_

Please complete and return this form **within one month of completion** to:

Moray Council  
Strategic Planning & Development,  
Council Offices,  
High Street,  
Elgin,  
IV30 1BX

E-mail: [localdevelopmentplan@moray.gov.uk](mailto:localdevelopmentplan@moray.gov.uk)