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Elpis Property Ltd.
16 Hope Terrace
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EH9 2AP

**Decision date: 20 December
2023**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TREE PRESERVATION AND TREES IN CONSERVATION AREAS (SCOTLAND)
REGULATIONS 2010**

T0952 Weeping ash infected with Ash dieback proposal to remove tree. T0954 ash infected with ash dieback proposal to remove tree.

At Forteviot House 16 Hope Terrace Morningside Edinburgh EH9 2AR

Application No: 23/07382/TCO

Date of Notification: 19.12.2023

DECISION NOTICE

With reference to your prior notification for Treework Within a Conservation Area as required under S172 of the above Act, an assessment has been made. Under the Act, the works can commence 6 weeks after the date of the notification unless the Council makes a Tree Preservation Order (TPO).

The Council has decided to **not make a TPO** in relation to the works detailed in the notification.

It should be noted that if the work is not carried out within a two year period following receipt of this letter, a fresh notification will be required if the proposal is to be carried out after that period.

Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council has made this decision is as follows:.

The proposed works to remove the weeping ash a dying, diseased and potentially dangerous tree and an ash in direct conflict with a wall are based on sound Arboricultural management.

There will be a minor adverse effect on the character and amenity of the conservation area. Please note Section 172 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is engaged in the case of the weeping ash. This means if a tree is removed because it is dead, dying or dangerous, it must be replaced.

Neither the foregoing or any further comment made by Council personnel can dispense with any requirement to seek the permission of other interested parties (e.g. Co-owners/tenants of the property, proprietors of neighbouring land if the trees are located on their land) if such consent is needed to carry out the work.

This decision does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Informatives:-

It should be noted that:

1. When a tree in a conservation area is removed, uprooted or destroyed in contravention of section 172 of the Act the landowner is placed under a Duty to plant another tree of an appropriate size and species at the same place as soon as he or she reasonably can. The Duty also applies if a tree is removed because it is dead, dying or dangerous or because it is causing a nuisance. The Duty is attached to the land and transfers to subsequent owners. The Duty is engaged in the case of the weeping ash but waived in regard to the self set ash.

It is recommended that an alternative species tree of similar potential form and stature of the weeping ash be planted. Stock size recommended is Selected Standard 12-14cm.

Please confirm to the Council when the replacement tree has been planted.

Should you have a specific enquiry regarding this decision please contact Nola O'Donnell directly at nola.o'donnell@edinburgh.gov.uk.



**Chief Planning Officer
PLACE
The City of Edinburgh Council**