



## TREE REPLACEMENT ENFORCEMENT NOTICE APPEAL TO SCOTTISH MINISTERS

UNDER SECTION 169 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the notes provided when completing this form - failure to supply all relevant information could invalidate your appeal. Use BLOCK CAPITALS if completing in manuscript**

### Appellant(s)

Name

Address

Postcode

Contact Tel No 1

Contact Tel No 2

Fax No

\*E-mail

### Agent (if any)

Name

Address

Postcode

Contact Tel No 1

Contact Tel No 2

Fax No

\*E-mail

Mark this box to confirm all contact should be through this representative

\*Do you agree to all correspondence regarding your appeal being sent **by e-mail?**

Yes

No

Planning authority

Planning authority's application reference number (if known)

Site address

OS Map Grid Ref or Postcode

Date on which the enforcement notice is specified to take effect.

Note: the appeal must be received by DPEA before that date.

Do you own the land to which this appeal relates? *(Please mark this box to confirm)*

## **STATEMENT OF APPEAL**

*Ground(s) of appeal, as set out in Section 169(1) of the Town and Country Planning (Scotland) Act 1997. Note: your appeal must be based on one or more of these grounds.*

- (a) the provisions of Section 167 or, as the case may be, the conditions mentioned in Section 168(1)(b) are not applicable or have been complied with
- (b) in all the circumstances of the case the duty imposed by Section 167 should be dispensed with in relation to any tree
- (c) the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it
- (d) the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry
- (e) the place on which the tree is or trees are required to be planted is unsuitable for that purpose

Provide a statement of your appeal below, setting out all matters you wish to raise and which require to be taken into account in determining your appeal. *Note: you may not have an opportunity to add to your appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account. (If necessary, this can be continued or provided in full on a separate document.)*

### **List of documents/evidence**

Provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal and ensure that the documents are clearly numbered (If necessary, this can be continued or provided in full on a separate document).

**Appeal Procedure**

The person appointed to determine your appeal will decide the procedure to be used. In general, a decision will be made based on your appeal documents and HES's response. In some cases the appointed person may require further procedures to gain more information on specific matters before reaching a decision. This is your opportunity to indicate what procedure you think is most appropriate for the handling of your appeal. (See Notes for Appellants)

1. Review of all relevant information provided by yourself and other parties only, with no further procedure
2. Inspection of land subject of the appeal
3. Further written submissions on specific matters
4. Holding one or more hearing sessions (i.e. round table discussions) on specific matters
5. Holding one or more formal inquiry sessions on specific matters

\* You can suggest a combination involving more than one further procedure, if necessary.

If boxes 3, 4 or 5 are checked, please explain below which of the matters (as set out in your statement above) you think should be subject to that procedure, and why. (Use additional pages if necessary.)

**Site Inspection**

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be viewed entirely from public land? Yes      No

Is it possible for the site to be accessed safely, and without barriers to entry? Yes      No

Are there any biosecurity issues that affect the site? Yes      No

*(for more information on biosecurity, please see the site inspection section in the notes for appellants)*

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here:

### **Other Appeals**

Have you made any other appeals to Scottish Ministers concerning this monument? Yes No

If yes, please give details, including our appeal reference numbers (if known):

### **Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents/evidence relevant to your appeal:

Tree replacement enforcement notice issued by the planning authority, which is the subject of this appeal

Full completion of all parts of this form

Full statement of appeal

All documents, materials and evidence which you intend to rely on

**The Scottish Government routinely publishes all documents relating to each appeal on its website at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk). You must advise DPEA if there are particular reasons why you think any document you have provided cannot be published.**

### **Declaration**

**I appeal to the Scottish Ministers as set out on this form and supporting documents. I can confirm that I have today sent a copy of my appeal to the Planning Authority.**

Signed

Date

If you take part in the appeals process, use DPEA websites, contact the division or attend a webcast, the DPEA may collect certain information about you. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](#).

This form and all supporting documents should be sent to:

E-mail: dpea@gov.scot

Post: Planning and Environmental Appeals Division  
Hadrian House  
Callendar Business Park  
Falkirk  
FK1 1XR

Contact Tel: 0300 244 6668