

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

HIGH HEDGES (SCOTLAND) ACT 2013

HIGH HEDGE NOTICE

REFERENCE NO.: 22/01073/HH

To: Mrs Catherine Grainger
Linnburn
Shandon
Helensburgh
Argyll And Bute
G84 8NR

SERVED BY:

ARGYLL AND BUTE COUNCIL, KILMORY CASTLE, LOCHGILPHEAD, PA31 8RT

1. **THIS IS A FORMAL NOTICE** which is served by Argyll and Bute Council under Section 8 of The High Hedges (Scotland) Act 2013 that sets out action that the hedge owner must take to restore a suitable balance between the applicant's and the hedge owner's enjoyment of their house, and also the needs of the wider community.

2. **THE DOMESTIC PROPERTY EXPERIENCING ADVERSE EFFECT (The Applicant's Property)**

2 The Briars
Shandon
Helensburgh
Argyll And Bute
G84 8NR

3. **DESCRIPTION OF THE NEIGHBOURING LAND (The high hedge and the land on which it is located)**

The high hedge to which this notice relates is located along the southern (side) boundary of 2 The Briars and land associated with West Linnburn and Linnburn and is comprised of a row of Laurel terminating at its western end with a Chestnut tree. The area within which the high hedge is situated is delineated in Red on the attached plan and titled "Location of HH".



The high hedge to which this notice relates is situated within the ownership of Linnburn, Shandon, Helensburgh, shown delineated in Blue on the attached plan and titled “Neighbouring Land”.

4. THE DATE ON WHICH THIS NOTICE TAKES EFFECT

If you do not appeal against this notice then it will take effect on 29th August 2023.

5. INITIAL ACTION REQUIRED AND COMPLIANCE PERIOD

The high hedge is to be cut back along its whole length excluding the Chestnut Tree to a height not exceeding 2.0 metres measured from the ground at the base of the trunks or stems of the trees or shrubs in the hedge OR all of the trees forming the high hedge are felled prior to 31st December 2023, taking into account the need to appoint specialist contractors.

6. PREVENTIVE ACTION REQUIRED

The high hedge is to be cut back annually thereafter to a height not exceeding 2.0 metres measured from the ground at the base of the trunks or stems of the trees or shrubs in the hedge. In the event of removal of the trees forming the high hedge, any replacement hedge (or trees assessed as forming a hedge with reference to the High Hedges (Scotland) Act 2013 and associated guidance) shall be maintained, as required, to a height not exceeding 2.0 metres.

7. EFFECT OF THE NOTICE

This Notice is binding on every person who is for the time being an owner of the “neighbouring land” as specified in Part 2 of this Notice and the accompanying site plan. The Notice remains in force for as long as the hedge remains on the land, or until it is withdrawn by the Council.

8. RIGHT OF APPEAL

You can appeal against this Notice to the Scottish Ministers however the appeal must be received by the Scottish Ministers Directorate for Planning and Environmental Appeals (DPEA) no later than 29th August 2023.

Further information on the appeal procedure is provided in the notes attached to this Notice – please read these carefully.

9. LOCAL AUTHORITY POWER TO TAKE ACTION

In the event that the work specified in the Initial or Preventative Actions (as set out respectively in Parts 5 and 6 above) is not satisfactorily completed then Argyll and Bute Council has the power under Section 22 of the Act to enter the land to carry



out the specified work, and to recover the costs from the owner(s) of the land upon which the High Hedge is located.

It is an offence under Section 24 of the Act to intentionally prevent or obstruct the Council, or any persons authorised by the Council to carry out the work on their behalf. A person who commits an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

DATED: 31st July 2023

A handwritten signature in blue ink, appearing to read 'Fergus Murray', written in a cursive style.

Fergus Murray
Head of Development and Economic Growth
Kilmory
Lochgilphead

On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

NOTE SECTION:

1. For the avoidance of doubt, the land identified to in Part 2 of this Notice relates to “neighbouring land” as defined by Section 34 of the High Hedges (Scotland) Act 2013 as revised, this being the land upon which the High Hedge is situated.
2. A copy of the Notice has been provided to the owner/occupier of the affected domestic property identified in Part 2 of this Notice (i.e. the affected premises named by the applicant(s) who have applied to the Council seeking a High Hedge Notice). These parties have a right of appeal against the terms of the notice, or against any future decision that the Council may make to withdraw or vary the terms of the notice.
3. A copy of the Notice has been served upon every person identified as having an interest as an owner or occupier of the “neighbouring land” upon which the High Hedge is located. This notice is binding on every person who is for the time being an owner of the “neighbouring land” specified in Part 3 of the Notice and will continue to have effect until such time as either the hedge is removed from the land, or the Notice is withdrawn by the Council. These parties have a right of appeal against the Notice, or against any future decision that the Council might make to withdraw or vary the terms of the notice.
4. Appeal Procedure:

Appeal cases are handled by the Directorate for Planning and Environmental Appeals (DPEA) on behalf of Scottish Ministers.

An appeal must be lodged in writing on a form supplied by the DPEA.

A High Hedge Notice appeal form can be obtained from the DPEA, Hadrian House, Callender Business Park, Falkirk, FK1 1XR.

Telephone: 0300 244 6668

Email: DPEA@gov.scot

Website: <http://www.dpea.scotland.gov.uk>

Form/Guidance: <https://www.gov.scot/publications/high-hedge-appeals-form-guidance/>

An appeal will not be registered until it has been received by the DPEA on behalf of Scottish Ministers. An appeal must be made within 28 days of the date on which the Council has issued you with this Notice. Appeals made after that date will not be considered.

In the event that an appeal is lodged then the compliance period for the High Hedge Notice (as specified in Part 5 of the Notice) would be suspended and would not take effect unless the appeal were to be withdrawn or dismissed.



