

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**HIGH HEDGES (SCOTLAND) ACT 2013**

**HIGH HEDGE NOTICE**

**REFERENCE NO.: 24/01562/HH**

To: Mr Walter Mould  
36 High Road  
Port Bannatyne  
Isle Of Bute  
PA20 0PP

And: Mr Peter Mould  
36 High Road  
Port Bannatyne  
Isle Of Bute  
PA20 0PP

**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)**  
  
34 High Road  
Port Bannatyne  
Isle Of Bute  
Argyll And Bute  
PA20 0PP
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 on the south-eastern boundary of the garden of 36 High Road, Port Bannatyne and comprises of a predominantly leylandii hedge with two or three other variety of species. The area within which the high hedge is situated is delineated in Red on the attached plan. For avoidance of doubt, this includes all of the trees and other species comprising the hedge from the timber subdivision within the garden of 36 High Road and does not include those shrubs in the front garden which are not considered to be a hedge.

#### 4. THE DATE ON WHICH THIS NOTICE TAKES EFFECT

If you do not appeal against this notice then it will take effect on 14th April 2025

#### 5. INITIAL ACTION REQUIRED AND COMPLIANCE PERIOD

Prior to 31<sup>st</sup> October 2025, the high hedge shall be cut back along its whole length to a height not exceeding height to a maximum of 3 metres measured from the ground at the base of the trunks or stems of the trees or shrubs in the hedge, OR the trees forming the high hedge shall be felled.

It is noted that the extend period provided is reflective of restrictions that may apply to tree works during the bird breeding and nesting season (1<sup>st</sup> April – 30<sup>th</sup> September), and also takes into account the need to appoint specialist contractors.

#### 6. PREVENTIVE ACTION REQUIRED

The high hedge is to be cut back annually, or as frequently as otherwise required thereafter to maintain a height not exceeding 3 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 3 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 14th April 2025.



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: 14th March 2025



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](mailto: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.



