

## HIGH HEDGES (SCOTLAND) ACT 2013

### REVISED HIGH HEDGE NOTICE

REFERENCE NUMBER: 15/01979/HH (2)

To: Mr Alistair Murray and Mrs Janice Murray  
46 Ardbeg Road  
Rothesay  
Isle of Bute  
PA20 ONL

And

Mr Francis Crampsey and Mrs Kathleen Crampsey  
47 Ardbeg Road  
Rothesay  
Isle of Bute  
PA20 ONL

This is a revised high hedge notice issued by Argyll and Bute Council under section 10 of the High Hedges (Scotland) Act 2013. This notice varies the high hedge notice issued by Argyll and Bute Council given reference number 15/01979/HH and dated 18<sup>th</sup> March 2016.

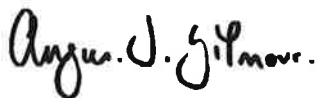
The Council have decided that the high hedge described below adversely affects the enjoyment of the domestic property referred to in section 3 below that an occupant of that property could reasonably expect to have. It has been decided that action should be taken in relation to the high hedge with a view to remedying the adverse effect, and where stated, preventing its recurrence.

- 1. Description of the high hedge which is the subject of this notice:** The high hedge to which this notice relates is situated within that ground held in common ownership between the proprietors of 46 Ardbeg Road, Rothesay and 47 Ardbeg Road Rothesay shown delineated in red on the plan annexed to this notice. The hedge is comprised mainly of Leylandii trees that are six metres in height on average.
- 2. The land on which the high hedge is situated:** The high hedge to which this notice relates is situated within that part of the drying green held in common ownership between the proprietors of 46 Ardbeg Road, Rothesay, Isle of Bute and the proprietors of 47 Ardbeg Road, Rothesay, Isle of Bute shown delineated in red on the said plan ('the Neighbouring Land').
- 3. The domestic property adversely affected by the high hedge:** 48 Ardbeg Road, Rothesay, Isle of Bute.
- 4. Initial Action to be taken by the persons on whom this notice is served:** The high hedge is to be cut back along its whole length to a height not exceeding 2.5 metres

measured from the ground at the base of the trunks or stems of the trees or shrubs in the hedge.

5. **Time period within which the initial action must be taken by the persons on whom this notice is served:** 30<sup>th</sup> July 2016
6. **Preventative action to be taken by the person on whom this notice is served:** The high hedge is to be regularly cut back to a height not exceeding 2.5 metres measured from the ground at the base of the trunks or stems of the trees or shrubs in the hedge before it reaches 3 metres in height from the ground at the base of the trunks or stems of the trees or shrubs in the hedge
7. **Date of which this notice comes into effect:** 24<sup>th</sup> June 2016 unless an appeal is made against it beforehand.
8. **Your right of Appeal:** You can appeal against this notice, but your appeal must be received by Scottish Ministers within 28 days of the date on which notification of the issuing of this notice is given by the Council. **The notes below** give information on your rights of appeal. **READ IT CAREFULLY.**
9. **What happens if you do not appeal:** If you do not appeal against this notice, it will take effect on the date specified in Section 7 above and you must then ensure that the required steps, specified in Section 5 above, for complying with it, for which you may be held responsible, are taken within the period specified. The Council is entitled to authorise a person to take action under section 22 of the Act where there is a failure to comply with a High Hedge Notice and the Council may recover the expenses of that action. It is an offence under section 24 of the Act intentionally to prevent or obstruct a person authorised to take action from acting in accordance with the Act. This is further explained in the notes below.

Dated: 24<sup>th</sup> May 2016



Head of Planning and Regulatory Services  
Kilmory  
Lochgilphead

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

## Notes

1. In the event of a failure to comply with this notice, Argyll and Bute Council is entitled to authorise a person to take action under section 22 of the High Hedges (Scotland) Act 2013, and may recover the expenses of that action.

2. It is an offence under section 24 of the High Hedges (Scotland) Act 2013 intentionally to prevent or obstruct a person authorised to take action from acting in accordance with the said Act

3. This notice is binding on every person who is for the time being an owner of the Neighbouring Land specified in the Notice

4. This notice has been copied to every owner/occupier of the domestic property referred to in the Notice

5. Every owner and occupier of the domestic property identified in Section 3 of the Notice, and every owner and occupier of the Neighbouring Land identified in Section 2 of this Notice has a Right of Appeal against this notice under section 12(2)(b) of the High Hedges (Scotland) Act 2013.

An appeal must be lodged in writing on a form supplied by the Directorate for Planning and Environmental Appeals. An appeal form is available from the Directorate for Planning and Environmental Appeals 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. The grounds for appeal must be clearly stated.

An appeal will not be registered unless and until it has been received by Scottish Ministers. Please note that your appeal must be received by them within 28 days beginning with the date on which notification of the issuing of this notice was given to you by the Council. Scottish Ministers have no power to consider an appeal lodged outwith that period.

If you lodge an appeal, this High Hedge Notice will be suspended and will not take effect unless the appeal is withdrawn or dismissed.

