

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

HIGH HEDGES (SCOTLAND) ACT 2013

HIGH HEDGE NOTICE

REFERENCE NO.: 18/02348/HH

To: Mr M Pace
9A West Montrose Street
Helensburgh
G84 9NF

SERVED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. THIS IS A FORMAL NOTICE which is served by Argyll and Bute Council under Section 8 of The High Hedges (Scotland) Act 2013 which sets out the action 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 HEDGE AFFECTED

The hedge to which this notice relates is sited immediately behind the rear boundary of 51 William Street, Helensburgh. It follows the line of the Glennan Burn which is within the garden ground of 9A West Abercromby Street. The trees that form the hedge line the banks of the burn at both sides and is a mixture of species including some conifers, but mostly deciduous including lime and horse chestnut. The area within which the high hedge is situated is delineated in the attached plan in red.

3. DOMESTIC PROPERTY EXPERIENCING ADVERSE EFFECT

51 William Street, Helensburgh, Argyll and Bute, G84 8XY

4. WHEN THIS NOTICE TAKES EFFECT

10th January 2019 unless an appeal is made against it beforehand.

5. INITIAL ACTION REQUIRED
Reduce the height of both hedges to a height no greater than 2 metres when measured from the base of the hedges.

6. COMPLIANCE PERIOD
No later than Friday 1st March 2019



7. PREVENTIVE ACTION REQUIRED

Ensure that both hedges are maintained at a height no greater than 2 metres.


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. LOCAL AUTHORITY POWER TO TAKE ACTION

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: 10th January 2019



Head of Planning, Housing 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



