

THE VALE OF GLAMORGAN COUNCIL

ANTI-SOCIAL BEHAVIOUR ACT 2003: PART 8

HIGH HEDGE REMEDIAL NOTICE

IMPORTANT - THIS NOTICE AFFECTS THE PROPERTY AT HEDD FAN, SULLY ROAD, PENARTH

Owner/Occupier
Mr. Viv Ricketts,
Hedd Fan,
Sully Road,
Penarth,
Vale of Glamorgan.
CF64 2TP

Complainant
Mr Liam and Mrs Joanna Creaven
Lyncroft
Sully Road
Penarth
Vale of Glamorgan
CF64 2TQ

High hedge at Hedd Fan, Sully Road, Penarth

1. THE NOTICE

This Notice is issued by the Council under section 69 of the Anti-social Behaviour Act 2003 pursuant to a complaint about a high hedge situated at Hedd Fan, Sully Road, Penarth. The Council has decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at Lyncroft, Sully Road, Penarth and that action should be taken in relation to the hedge with a view to remedying the adverse effect and preventing its recurrence.

2. THE HEDGE TO WHICH THE NOTICE RELATES

The portion of hedge in the rear garden at Hedd Fan, Sully Road, Penarth marked red on the attached plan ("the Hedge").

The Hedge is formed predominantly of *pinophyta* (conifer) and measures approximately 11 metres.

3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE

The Council requires the following steps to be taken in relation to the Hedge before the end of the period specified in paragraph 4 below:

Initial Action

- (i) Reduce the Hedge to a height not exceeding 5 metres above ground level.

Preventative Action

- (i) Maintain the hedge so that at no time does it exceed a height of 5.5 metres above ground level. This allows room for the hedge to re-grow between trimmings.
- (ii) The hedge must be cut back annually to a height not exceeding 5 metres above ground level.

4. TIME FOR COMPLIANCE

The initial requirements specified in paragraph 3 above are to be complied with in full within 17 months of the date specified in paragraph 5 of this Notice.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 19th April 2017

6. FAILURE TO COMPLY WITH THE NOTICE

Failure by any person who, at the relevant time, is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

- (i) To take action in accordance with steps specified in paragraph 3 above within the period specified in paragraph 4; or
- (ii) To take action in accordance with steps specified in paragraph 3 above by any time stated there.

May result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Dated : 20th March 2017



Signed.....

**Operational Manager Development Management
The Council's Authorised Officer**

**IT IS IMPORTANT THAT YOU SHOULD READ THE LETTER
ATTACHED TO THIS FORM.**

Informative

It is recommended that any remedial or preventative works should be carried out in accordance with good arboricultural practice/BS 3998: 'Recommendations for Tree Work'.

Consequently, it is also recommended that skilled contractors are employed to carry out this specialist work. For a list of approved contractors see the Arboricultural Association's website at www.trees.org.uk.

In taking the action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act 1981. This includes birds and bats that nest or roost in trees.



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The Plan