

TENDRING DISTRICT COUNCIL

**IMPORTANT - THIS NOTICE AFFECTS THE PROPERTY AT PORTWELL COTTAGE,
CLACTON ROAD, WEELEY HEATH, ESSEX.**

ANTI-SOCIAL BEHAVIOUR ACT 2003

REMEDIAL NOTICE HH512

ISSUED BY: Tendring District Council

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 Portwell Cottage, Clacton Road, Weeley Heath, Essex. The Council has decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at The Folly, Clacton Road, Weeley Heath, Essex 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 hedge consists of a single species: Lawson's Cypress (*Chamaecyparis lawsoniana*). The hedge is adjacent to the south eastern boundary of the complainant's garden and is growing on north western boundary of the owner's property.

The hedge is formed of 13 trees, is 13.6m long and approximately 2.5m wide.

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

Initial Action

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:

- (i) *Hedge section A to B; reduce the hedge to a height not exceeding 8 metres above ground level.*
- (ii) *Hedge section A to B; remove all lateral branches to a minimum height of 3m above ground level.*

Preventative Action

Following the end of the period specified in paragraph 4 below, the Council requires the following steps to be taken in relation to the hedge:

- (iii) *Maintain the section of hedge A to B so that at no time does it exceeds a height of 9 metres above ground level.*
- (iv) *Maintain the section of hedge A to B so the main stem remains free of lateral branches at all times to a minimum height of 3m above ground level.*

Informative

*It is recommended that the hedge is cut back, at least annually, to the heights set out in the section of this report entitled **Initial Action**.*

All works should be carried out in accordance with good arboricultural practice and BS 3998: 2010 'Tree Work - Recommendations.

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.

REMEDIAL NOTICE

4. TIME FOR COMPLIANCE

The initial action steps (i) to (ii) specified in paragraph 3 above to be complied with in full within 10 months of the date specified in paragraph 5 of this Notice.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 11 March 2019

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:

- a. To take action in accordance with steps (i) to (ii) (the initial action) specified in paragraph 3 above within the period specified in paragraph 4; or
- b. To take action in accordance with steps (iii) to (iv) (the preventative action) 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: 4 February 2019



on behalf of Tendring District Council