

REPORT TO: PLANNING COMMITTEE – 9 DECEMBER 2024

REPORT ON: REQUEST FOR DIRECT ACTION TO COMPLY WITH THE HIGH HEDGE NOTICE AT 6 BAYFIELD ROAD, BROUGHTY FERRY, DUNDEE

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 333-2024

1 PURPOSE OF REPORT

- 1.1 This report seeks authority to take direct action to seek compliance with a High Hedge Notice served under Section 22 of the High Hedges (Scotland) Act 2013, to reduce the privet hedge located at 6 Bayfield Road, Broughty Ferry, Dundee on the boundary with 16 Albert Road, Broughty Ferry, Dundee to 3.5m in height.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:
- a authorises direct action under the terms of Section 22 of the High Hedges (Scotland) Act 2013 to allow the Council to enter the land at 6 Bayfield Road, Broughty Ferry, Dundee and take the necessary steps to ensure the terms of the High Hedge Notice are complied with; and
 - b authorises the Executive Director of City Development to recover any costs reasonably incurred by the Council in taking such action from the landowner.

3 FINANCIAL IMPLICATIONS

- 3.1 Dundee City Council's Forestry Section has estimated that the cost of cutting the privet hedge to 3.5 metres in height; chipping, removing and disposing of the arisings from the site would be £1452.00.
- 3.2 Section 25 of the High Hedges (Scotland) Act makes provision for the Planning Authority to recover the costs of these works from the landowner.

4 BACKGROUND

- 4.1 A High Hedge Notice was served on the owner on 29 April 2024. This required the privet hedge to be reduced to 3.5 metres in height and thereafter maintained at a height no greater than 4 metres.
- 4.2 The owner submitted an appeal to the DPEA (The Scottish Government Planning and Environmental Appeals Division). The Reporter issued their decision on 12 August 2024. The decision of the Council was upheld, and the High Hedge Notice stands. The owner had 60 days to comply with the High Hedge Notice, but this period has lapsed, and no works have been undertaken. Officers have written to the landowner advising that, as the High Hedge Notice has not been complied with, it is intended to seek the Planning Committee's approval to undertake direct action and recover the costs from the landowner.
- 4.3 Once the hedge has been reduced in height, the requirements of the High Hedge Notice remain, meaning that the landowner is required to maintain the hedge at a height no greater than 4 metres.

5 ENFORCEMENT ACTION**6 POLICY IMPLICATIONS**

- 6.1 This report has been subject to the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate Senior Manager has reviewed and agreed with this assessment.

7 CONSULTATIONS

- 7.1 The Council Leadership Team have been consulted in the preparation of this report and are in agreement with its content.

8 BACKGROUND PAPERS

- 8.1 None.

Gregor Hamilton
Head of Planning and Economic Development

Author: Gill Kane

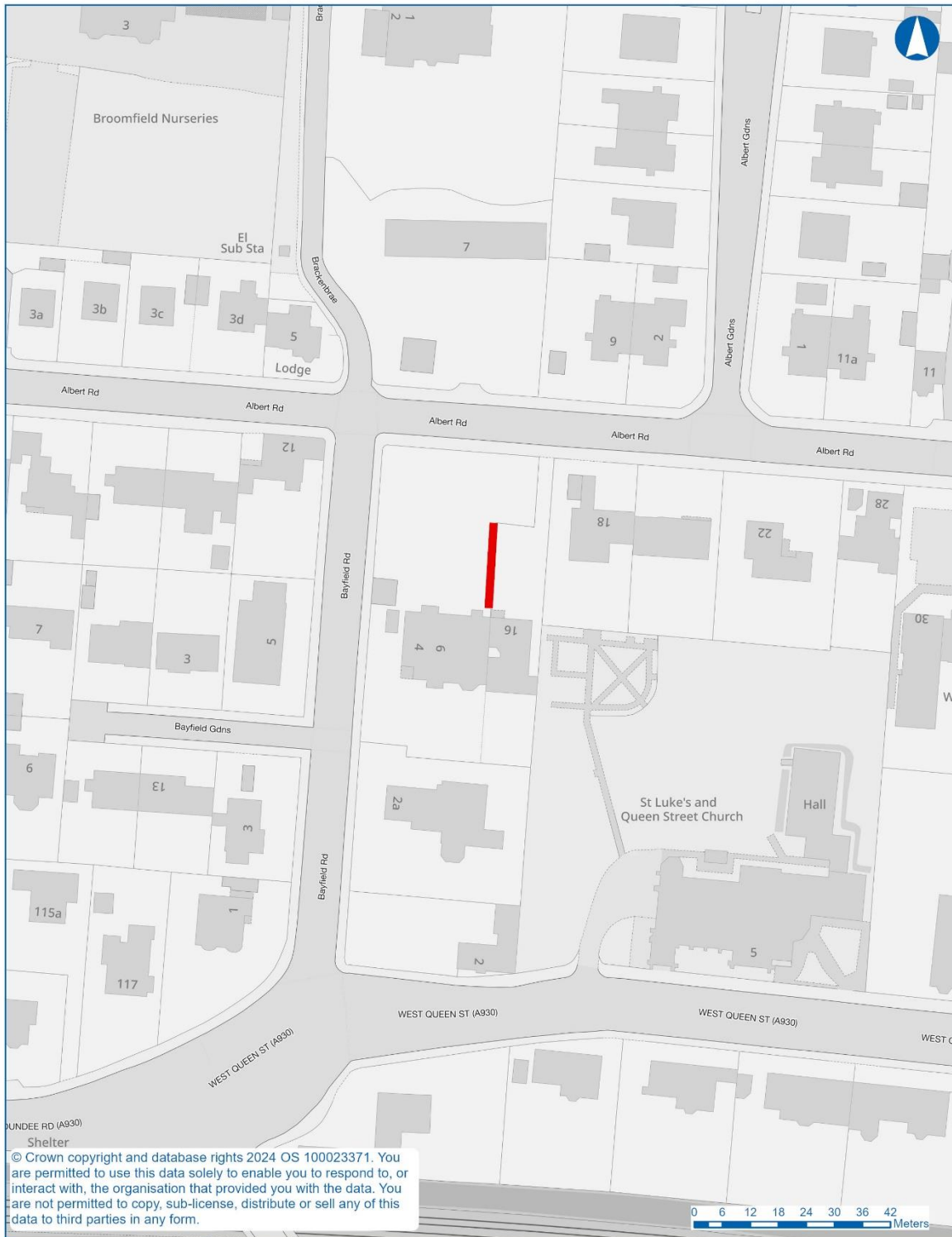
Robin Presswood
Executive Director of City Development

Dundee City Council
Dundee House
Dundee

RP/GH/DG/GK/KM

7 November 2024

Appendix One: Location Plan



Dundee CHANGING FOR THE FUTURE
City Council
Dundee House
50 North Lindsay Street
DUNDEE, DD1 1QE

**Hedge location
6 Bayfield Road, Broughty Ferry**

This page is intentionally left blank

Appendix Two: Photograph of Hedge

