

REMEDIAL NOTICE

The Northern Ireland Valuation Tribunal

The High Hedges Act (Northern Ireland) 2011

**To: Philip Wilson and Aisling Bell
Of 26 Edenvale,
Crossgar,
BT30 9PU**

**IMPORTANT – THIS NOTICE AFFECTS THE PROPERTY AT 26
EDENVALE, CROSSGAR, BT30 9PU**

**HIGH HEDGES ACT (NORTHERN IRELAND) 2011 - REMEDIAL
NOTICE**

1. THE TRIBUNAL’S DECISION

A decision of the Northern Ireland Valuation Tribunal (“the Tribunal”) made upon appeal under the High Hedges Act (Northern Ireland) 2011 (“the Act”) and issued on the 19th December 2019 as a consequence of which decision of the Tribunal this Remedial Notice is issued under section 8 (2) (b) and section 8 (4) (b) of the Act.

2. THE COUNCIL’S REMEDIAL NOTICE

A Remedial Notice (“the Council’s Remedial Notice”) made by Newry Mourne and Down District Council (“the Council”) dated 17 December 2018 pursuant to a complaint about a high hedge situated at 26 Edenvale, Crossgar, BT30 9PU against which Philip Wilson and Aisling Bell made an appeal to the Tribunal.

3. THE TRIBUNAL’S REMEDIAL NOTICE

This Remedial Notice is issued in place of the Council’s Remedial Notice by the Tribunal under section 8 (2) (b) and section 8 (4) (b) of the Act.

4. THE HEDGE TO WHICH THIS REMEDIAL NOTICE RELATES

The hedge (the hedge) along the boundary of 26 Edenvale, Crossgar, which runs parallel to the dwelling at 22 Station Park, Crossgar.

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

Initial Action

The Tribunal Orders that the following Initial Action shall be taken in relation to the Hedge before the end of the period specified in paragraph 6 below:

The hedge should be reduced to a height not exceeding 6.0 metres by 1 April 2019. In the following year up until 1 April 2020 the hedge is to be further reduced to a height not exceeding 5.0 metres above ground level.

Preventative Action

After 1 April 2020 the hedge is to be maintained so that at no time does it exceed a height of 5.0 metres above ground level.

Informative

It is recommended that the hedge as set out above should be reduced in stages.

All works should be carried out in accordance with good arboricultural practice/BS 3998: Recommendations for Tree Work.

It is recommended that skilled contractors are employed to carry out this specialist work.

For a list of approved contractors to carry out works on trees and hedges, 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 (NI) Order 1995 as amended by the Wildlife and Natural Environment (Northern Ireland) Act 2011. This includes birds and bats that nest or roost in trees.

6. TIME FOR COMPLIANCE

This notice is to be fully complied with by 1 April 2020.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 19th January 2020

8. 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 5 above is situated:

to take action in accordance with steps specified in paragraph 5 above within the period specified in paragraph 6 may result in prosecution in the Magistrates Court with a level 3 fine (currently 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 this 19th December 2019

**Mr Charles O'Neill
Northern Ireland Valuation Tribunal**