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WELSH STATUTORY INSTRUMENTS

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**2004 No. 3240**

**The High Hedges (Appeals) (Wales) Regulations 2004**

**Grounds of appeal against the withdrawal, waiver or relaxation of remedial notice**

4.—(1) An appeal under section 71(1)(b) or (c) of the Act against the withdrawal of a remedial notice, or the waiver or relaxation of its requirements, may, provided the conditions specified in paragraph (2) are satisfied, be made on any of the grounds specified in paragraph (3).

(2) The conditions referred to in paragraph (1) are that the—

- (a) relevant authority has not issued another remedial notice in respect of the same high hedge; and
- (b) person wishing to appeal did not consent to the withdrawal of the remedial notice or (as the case may be) the waiver or relaxation of its requirements.

(3) The grounds referred to in paragraph (1) are that—

- (a) there has been no material change in circumstances since the complaint by reference to which the remedial notice was issued which would justify the withdrawal of the remedial notice or (as the case may be) the waiver or relaxation of its requirements;
- (b) the requirements of the remedial notice, as waived or relaxed, are insufficient to remedy the adverse effect of the high hedge on the complainant's reasonable enjoyment of the domestic property specified in the remedial notice or to prevent recurrence of that adverse effect; or
- (c) in the case of an appeal by an owner or occupier of the neighbouring land, the requirements of the remedial notice, as waived or relaxed, exceed what is necessary to remedy the adverse effect of the high hedge on the complainant's reasonable enjoyment of the domestic property specified in the notice or to prevent the recurrence of that adverse effect.