

Local Government and Communities Committee**Post-Legislative Scrutiny of the High Hedges (Scotland) Act 2013****Submission from James Barr**

I wish to submit the following comments on the effectiveness of the legislation as it has affected myself and my wife.

My boundary has Lleyandii hedging on my neighbour's side stretching half way up the boundary line and limiting light to my home. I can no longer make practical use of the greenhouse which I built when we came here almost 40 years ago.

When the legislation was approved, I approached my neighbour and advised them that when they next arranged to have their hedge trimmed that it should be to two metres high in order to conform to the new legislation. At that time, the hedge was four metres high. On the next trimming they reduced the hedge by only one metre on the boundary line but did not reduce the height on their other boundary which also restricts my light.

There was a time when I was able to trim the hedge on my side of the boundary, but following a replacement knee operation I can no longer climb an extending ladder to trim the hedge on my side. Furthermore at 82 years of age, I should not be climbing trees like a schoolboy. I have been advised by my consultant, that due to recent corrective operations my kneecap is eggshell thin and should I damage that, then I would almost certainly have to have my leg amputated. Some price to pay for a hedge.

At the last trimming the hedge had again grown to four metres (as they do). I approached my neighbours and asked them if they would have the hedge trimmed on both sides. I was asked "Who pays for that?" My reply was that as it was their hedge, they should pay for the trim. The hedge was left untrimmed and remains so.

I remain unhappy about the situation and should probably go to my local Renfrewshire Council and apply for an order requiring my case to be heard and corrective action taken. The problem is that the cost has to be paid by the complainant. I believe that the cost is circa £400 in Renfrewshire and I am reluctant to pay that when I have not been instrumental in any of the present situation. It may well be that when preparing budgets for the coming year that Councils will see that as an impending case for an increase in charge to the complainant.

My submission therefore is:-

1. There should be no cost to the complainer where a Council upholds their cause for complaint. All costs should be borne by the hedge owner.
2. A complainer should have the right to have the hedge cut to the legal height in the event of the hedge owner refusing to do so, irrespective of a request for a Council Order.
3. During normal maintenance, the hedge should be trimmed on both sides of the boundary.
4. Where a complainer has to pay the Council charge that should be reclaimable in law under the Small Claims Court procedure. (If para 1 prevailed, this would not be necessary, with the hedge owner bearing all costs)

If a hedge owner has completely ignored the law and if all else fails, they should be fined for so doing. The cost could be reclaimed by the complainer as a percentage of that fine on application to the Court.

I am delighted that this issue is being re-examined and wish the Committee every success with their deliberations.

James Barr