

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

Dear Sir

I understand that your committee is looking for feedback from those with personal experience on the High Hedges (Scotland) Act that came into effect on 1 April 2014.

Not long after my husband and I moved into our property in 1989 the owner of the adjoining land planted a line of leylandii trees along the mutual boundary. By the time the High Hedge legislation came into force in 2014 many of these trees were 40 feet high. As a direct result of these trees a very large area of our garden and part of our house was without direct sunlight throughout the winter months and until after 11am in the summer months.

Having endured the situation for many years and having been unable to arrive at a mutually agreeable solution to the hedge with the landowner a High Hedge application, accompanied by documentary supporting evidence, was delivered by hand to Fife Council on 1 April 2014. The application was made on A4 paper following guidelines from another council's web site and was not accompanied by a payment because Fife Council had no guidance notes or form published and no fee for this service was in place or had been authorised by the council at the time.

An undated letter enclosing an application form and request for payment was received in response to the application. Payment was made without delay on 22 April and the completed form was delivered by hand on 23 April 2014. It was not until the Fife Council Executive Committee Meeting on 6 May 2014 that approval for an appropriate fee to be charged was given.

Points arising

- The High Hedges legislation does not specify that an application must be made on a specific form. It would also be much fairer if all councils used the same form.
- Although the legislation gave councils the right to set a fee it does not state it must set a fee. I do not believe that payments for this service made or requested by Fife or any other council prior to fees having been set and formally approved were legally charged.
- Where an application is successful it would be reasonable if the fee charged was repaid to the appellant and recharged to the hedge owner.
- Not everyone has the money to pay the fee. Some system should be in place where those unable to pay are able to have the fee waived. That would give them the ability to access legislation that better off people can afford.

Our application was presented at committee level on 27 August 2014. A notice was

served on 10 October 2014 to reduce the hedge to a height not exceeding 4.75meters with restrictions for the future life of the hedge on its height and width.

Over the weekend of 5-7 December 2014 the trees were reduced to ground level and the hedge is no more. Had the landowner followed the notice to the letter we would have been left with unsightly tree trunks around the boundary of our property for approximately 59 meters. The landowner would have incurred ongoing costs for the lifetime of the hedge. We were fortunate that he took a common sense approach that did not burden future owners of the land.

The effect on our property from the hedge coming down was immediate with winter light in our house and garden for the first time in many years. Two years later I can report that our garden has been transformed. The High Hedge legislation made this possible.

Yours faithfully

Sandra Dobson