

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

Dear Sirs

As invited, I am pleased to submit the following comments in support of making changes to the above Act and I do so in the format you requested in your Invitation.

1) The definition of a high hedge has NOT proved helpful to us as in spite of the fact that a High Hedges Notice under section 14(2)(c) was served on our neighbours, on the final day by which time compliance with the Notice had to be carried out, our neighbours cut down every alternate tree contending that the offending Hedge was no longer a Hedge in terms of the ACT. The result was that whereas previously at least there was greenery albeit at a disproportionate height, we are now faced with a unsightly outlook as are our other near neighbours who have all along been fully supportive of the actions we have been obliged to take.

We had been complaining to no avail for years about the lack of light caused by the offending hedges and having finally been successful in our Application under the new Act, we were thwarted at the very last minute. It is our strong contention that once a Notice has been served it must be complied with in full ---there can be no deviation.

2) The Appeals procedure as far as I am concerned has no bearing on my particular situation and although our neighbours did lodge an Appeal which was unsuccessful, they were still able to avoid compliance with the original Notice This is an avenue which must be closed.

3) As regards 'enforcement procedures', I can only repeat, once a Notice has been served, the Local Authorities must ensure compliance in full and they should have no right to deviate in any way whatsoever. Frankly since they decided that our neighbours had "largely complied with the Notice", the Local Council have had no further interest other than saying that their files are still open whatever that may mean!!

4) As regards fees and cost there is a wide disparity amongst Local Authorities as to what they consider appropriate. In my case, Fife Council originally billed me for £270 for which amount I sent a cheque but not only was this returned on the grounds that 'cheques were unacceptable' but also that in the interim, the Application Fee had been arbitrarily increased to £382!! No explanation was forthcoming and I was told that unless I paid, no further action would be taken. I gather I was one of the first to apply for a Notice under the new legislation and obviously this caused no end of confusion having caught the Council unawares

Apart from the monetary cost however, we have spent countless hours dealing with the Council not to mention frivolous letters from lawyers representing our neighbours.

5) The acrimonious relationship which we have had with our neighbours has had a very 'negative impact' on our lives. Polite approaches initially by us were met with hostility from which we came to realise we had unknowingly inherited an ongoing dispute our neighbours had with previous owners of our house (including the original owner of our house). One previous owner with whom we are now in contact, actually won an out of court settlement of which we now have the original documentation. It goes without saying that had we known of this material information, we may well have resorted to legal proceedings ourselves thus obviating the need to go through the tortuous process we have had to endure in applying unsuccessfully for a fair outcome under the High Hedges Act.

6) As you may be aware, a great deal of publicity has already been generated in the Press both locally and countrywide on our particular farcical experience and there will no doubt be continuing interest now that your Committee is embarking on this current review of the Act. I trust however I have provided sufficient evidence to support the need for the Act to be amended appropriately if only to benefit future Applicants who may otherwise encounter similar difficulties to those experienced by us. I will however be prepared to elaborate on any issues on which some further input may be helpful.

Here's wishing you success in your deliberations which hopefully will result in the High Hedges Act being more fit for purpose

Yours faithfully

Denis E Parry