

Local Government and Communities Committee**Post-Legislative Scrutiny of the High Hedges (Scotland) Act 2013****Submission from East Ayrshire Council****1. Has the definition of a high hedge as set out in the Act proved helpful? If not, please provide details.**

Yes the definition is adequate, if the two trees only cover a fairly narrow width then they are unlikely to cause nuisance over the extent of the affected garden and no action would be required anyway.

2. Do you have any experience of the appeals procedure as set out in the Act?

Yes, one where both the applicant and the recipient appealed. Appeal process was fairly straight forward and no different from any other planning appeal in terms of procedure etc.

3. Do you have any comments on the enforcement procedures under a high hedge notice?

I think that the powers conferred by the High Hedges Act are ample in terms of Direct Action however it would be helpful if a clause could be inserted which allowed a charging order to be placed on property to assist with the recovery of costs.

4. Do you have any comments on fees and costs?

The High Hedges Act clearly states that prior to any application being entertained by local authorities there has to be evidenced a history of failed negotiation. Where it subsequently turns out that the hedge is causing a nuisance and gets a notice served it may be worthwhile exploring a mechanism where the recipient of the notice is required to refund any fees paid by the applicant as part of the enforcement process. This may have the effect, where this is known, of reducing the number of cases that lead to High Hedge applications if parties are aware of this beforehand. East Ayrshire Council has set the fee at £400 and this is believed to be a reasonable bar given the potential for third party costs for which the Council may be liable (Arboricultural etc.), albeit there is no legislative provision for the implementation of concessionary rates for low income families.

5. Overall, are there any aspects of this Act which has had a positive or negative impact on your life?

No.

6. Any other issues relating to the Act which you wish to bring to the attention of the Committee?

No.

Michael Keane
Head of Planning & Economic Development
East Ayrshire Council