Do you agree with the definition of a high hedge as set out in the Bill? If not, please provide details.

1. It is my opinion that the definition of high hedge is too strong. I disagree that 2 trees or shrubs planted closely together should constitute a hedge. Instead this number should be greater – i.e. 3 or more. Also a hedge of 2 metres is a reasonable height as this creates privacy within a property. It is unreasonable to have a hedge of 2 metres to be included. This should be extended to 3 metres.

2. Alternatively a simple formula could be used which takes into account the height of the hedge and the distance from a neighbouring property e.g. a 2 metre hedge which is 1 metre from a property is likely to be more of an issue than if it were 15 metres from the property. However there is no room for this distinction in the current bill.

Do you consider that other forms of vegetation should be covered by the provisions of the Bill? If so, please specify why?

3. No, the bill should be limited only to hedges, with the specific focus on people who deliberately use cypress or other evergreen hedges to intimidate or generally make life difficult for neighbours. Native coniferous hedges made up primarily of Yew and Juniper should be exempt as these are rare and provide important biodiversity and habitat. The definition of ‘semi-evergreen’ is confusing and must be clarified or removed altogether. As I understand it, this can refer to: species which shed their leaves less often than once per year, hedges which are made of a mix of evergreen and deciduous trees or shrubs (but not a majority of deciduous trees). This definition is confusing to say the least.

Do you have any comments on the proposed approach to dispute resolution as set out in the Bill?

4. The powers of local authorities should only come into play if the mediation and conflict resolution has failed and this is satisfactorily demonstrated by the person making the application to the local authority.

Do you have any comments on the proposed fees and costs?

5. The freedom to charge fees and costs should remain with the local authority. Costs charged should be reasonable in covering the costs of the operation.

Any other issues relating to the Bill which you wish to bring to the attention of the Committee?

6. I am wary of this change in legislation. In several of the situations where I have worked in, the fact that neighbouring properties do not have a right to light that is shaded out by adjacent tree growth has been a key argument in preserving tree
cover and biodiversity. Currently working in a local authority, I receive a number of complaints per week from people who want otherwise healthy trees cut back or removed in order to allow more light into their garden/property/conservatory, often in a situation where the trees have been there longer than the property.

7. A common situation is for a proprietor to build a conservatory or sun room and then complain about adjacent trees shading out light. This is unacceptable and there should be provision within legislation that if trees or shrubs predate adjacent property or dwelling place then the owner of the trees or shrubs should have less obligation. Are Scottish Ministers prepared to introduce a ‘right to light’ for residential properties as this bill seeks to do. This could have potential repercussions for other situations and this right to light applied to situations that the bill has little relevance to.

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