In November I submitted written evidence on the High Hedges bill and have since been following the oral evidence sessions with interest. I am an architect who has experience of high hedging on properties in rural areas and noted a couple of points made by witnesses that could lead to deficiencies if written into the bill.

1. In the oral evidence session on 5th December it was stated by Angus Yarwood of the Woodland Trust Scotland and Aedan Smith of the RSPB that people who buy a property next to commercial land do so in the full knowledge of what they are purchasing and therefore commercial land could be excluded from the bill. Although they were referring to commercial woodland it would be important that any exclusion in the bill did not extend to commercial farmland.

In my experience it is not unusual for a house to be built in open countryside or on the edge of a village adjoining farmland only to have the neighbouring commercial landowner plant trees around the house to remove the building from his view. The problem is augmented because the landowner has the space to plant a substantial hedge and does not have to experience the adverse affects, as he will live some distance away. The hedge will very often be left unmaintained to grow to full tree height causing substantial problems for the property owner. I notice written evidence HH1 from Jim Paxton is characteristic of this kind of problem. This situation can even occur where the commercial landowner sells the plot on which the house is subsequently built. The number of these cases will only increase with the escalating demand for new housing.

It would therefore seem unjustified that this group of property owners are excluded from the scope of the bill just because the hedge is growing on commercial land and where the hedge didn't exist before the house was built. If commercial land was excluded in the bill then perhaps there could be a sub-clause which states that if the house was built before the hedging was planted the high hedges law would still apply.

The Westminster Act (and the Scottish Bill as currently drafted) make no distinction between domestic and commercial land on which the hedge grows, only that the hedge must affect a domestic property. This seems the most sensible solution and treats each case on its own merits.

2. Both Dr Maggie Keegan of the Scottish Wildlife Trust and Angus Yarwood of the Woodland Trust Scotland stated that they wanted the definition of a hedge to be "non-native evergreen or semi-evergreen". They also stated this in their written submissions. Their intentions are to protect native juniper, yew and holly. However this would also make Scots pine exempt from the legislation. This native evergreen conifer grows up to 36m (120 feet), is used extensively in forestry, has dense foliage when grown as a hedge and has a moderate growth rate. I believe Scots pine would quickly become the preferred choice for replacing species such a leylandii and because of it's larger root
system would cause more problems for underground services and building/wall foundations. Scots pine is widely available in nurseries and can be purchased from around £0.90 per bare root tree.

Please consider these two points and I look forward to a well defined Scottish High Hedges legislation.

Peter Robinson

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