Local Government and Regeneration Committee  
Stage 1 scrutiny of the High Hedges (Scotland) Bill  
December 2012  

SUBMISSION BY UK MEDIATION

1. We wish to submit the following comments in response to the committees call for evidence:

2. It is our experience in England that the definition of a high hedge worked in most circumstances. However, home owners have been known to plant 3-4 broad leaved trees in amongst their evergreen hedge (usually Leylandii) and thereby to get around the English legislation which defines the hedge as being solely evergreen. There may be similar issues in Scotland, where a resident is taken to task over their Leylandii hedge and then plants a few trees of different variety in order to avoid enforcement action.

3. The forms of vegetation that usually give rise to neighbourhood disputes are mostly Laylandii and related species.

4. The principle approach to dispute resolution should be for the neighbour to consider the use of mediation. In our experience this is an excellent remedy, although neighbours are often reluctant to pay, or even share the cost of mediation. There should be some consideration given to who funds mediation.

5. The enforcement procedures would appear to be entirely appropriate provided earlier stages of dispute resolution have been exhausted.

6. Should a neighbour be considered to have behaved unreasonably especially by refusing to comply with a notice, it is reasonable that they should have to fund when work is undertaken by the local authority. It would however, potentially compromise a neighbours right to the enjoyment of their garden if they have to pay for a high hedge notice.

7. It would appear that the system used in the English jurisdiction is mostly included within the Bill, and this should be sufficient.

8. The factor of financial hardship may deny an equal opportunity to people who cannot afford to apply for a high hedge notice, similarly an appeal against a high hedge notice would need to be funded and we would need to be sure the neighbour could afford this.

9. As well as the unbroken “green wall” that Leylandii hedges tend to grow into, there can be problems on the ground up to a distance of about one meter from the trunk of the trees. Very little will grow in this ground. Consideration should be given to cuttings from the Leylandii, issues with branches growing over a neighbour’s fence or up against a neighbour’s property, as well as to considering how to dispose of cutting and branches when a tree is trimmed or removed. Our experience is that removal and disposal of cuttings can be as contentious as the issue of the moving of the hedge in first place.

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