1. In relation to the consultation process currently underway I would like to submit the following:

2. There appears to be an anomaly in relation to what the bill seeks to achieve. In consultation documentation the intent is to allow the peaceful enjoyment of property. Para 38 of the published material states:

"The Bill gives home owners and occupiers a right to apply to local authorities for a high hedge notice to prevent high hedges from interfering with the enjoyment of their property."

3. I concur with this objective and believe that it is the correct objective based on the actual problem and wider ECHR considerations. However, I do not believe that the definition achieves this aim and in particular it fails to address the following issues:

4. Problems with single trees and deciduous species as per the views expressed by Scothedge and with which I concur.

5. The peaceful enjoyment of property covers more areas than the reduction of light which is included in the definition. Reduction of light is in itself a very subjective matter and one that is open to opinion and difficult to correctly measure until the offending barrier is removed? How would this be measured in practice?

6. In my own experience I have had situations where the barrier i.e. trees reduced the temperature of the affected rooms by about 1 1/2 - 2 degrees centigrade. These trees were not on my boundary but about 10 feet in but they were about 50 feet tall and had a material affect on my home. In these difficult times solar gain from the sun's energy is an important consideration and selfish neighbours who remove that opportunity also remove the opportunity to peacefully enjoy your property.

7. Similarly, high hedges that are not immediately on your boundary but grow to such an extent that they remove your views and feeling of space are just as much of a nuisance for those affected, particularly if you are housebound. Again, the definition does not address this issue, particularly for very large trees/hedges allowed to grow unfettered within towns.

8. Single trees and deciduous varieties. I have personal experience of this and the situation is that this single tree has grown so large that it affects the light in my home on two stories and blocks out a once beautiful view. As the tree is on the opposite side of the street it does not adjoin my boundary and I will be powerless to do anything about it using this bill. I have watched this bill with interest for this very reason.
9. I note COSLA's remarks "COSLA supports a narrow and focused Bill as the experience of its implementation elsewhere provides comfort that costs will not be significant and numbers will not be unmanageable. " It is my view that the Bills primary aim should be to address the problems based on actual experience of those affected. The bill should not be drafted in such a way as to keep costs low and numbers manageable? Is the policy outcome not to deal with the problem rather than define it so narrowly that significant numbers of affected people remain affected by anti-social neighbours with no right to legal redress? If I cannot peacefully enjoy my property due to badly drafted legislation are my human rights not affected and if so with whom do I seek redress?

10. There should be provision for a general review of any obstruction/hedge/fence etc. on application to the Local Authority where the affected person resides and considers that the obstruction prevents the peaceful enjoyment of their property. In such cases, trees, hedges and other barriers whether immediately on the boundary, or not, could be challenged and those affected would have some opportunity to address the problem.

11. Overall, it is my view that any boundary within a built environment or bordering property should be limited to 1.8m unless authorised by the Local Authority and/or agreement of the neighbours. There should be no need to distinguish between fences and trees and types of trees as this makes no logical sense to me. It seems clear that planning laws would not allow a fence to go higher than 1.8m without permission so surely the starting point is about the size/scale of the obstruction affecting a persons property and not what it actually is? In the Bill's case the focus is on hedges but for the reasons stated above the obstruction i.e. hedge/tree etc. may not always meet the definition or be placed directly on the boundary. Despite this these hedges/trees cause the same problems that this bill seeks to address but won't.

12. In conclusion, the bill is a welcome step in the right direction but it will not address single trees on boundaries, or hedges and trees left to grow wild that are not directly on a boundary. On that basis I would urge some consideration to point 'g' above and the removal of such a tight definition that excludes single trees or deciduous varieties.

13. I hope you can consider the points above as I am currently directly affected by such issues and locked in dispute with neighbours. For that reason I prefer to remain anonymous.