1. We are writing to make representations in relation to the above Bill. We are not members of Scothedge or any similar group, but are writing in an independent capacity as persons whose property is currently adversely affected by a high hedge. There are four matters on which we wish to comment.

**The meaning of high hedge (clause 1)**

2. We have no objection to the meaning of “high hedge” in clause 1 of the Bill, but we are somewhat concerned that the Policy Memorandum (para. 41) and the SPICe Briefing (p.7) both comment that the Bill is intended to “capture the commonly perceived problem of fast growing conifers in suburban areas.” It would be unfortunate if the perception arose that the Bill was intended to address the problem of high hedges only in suburban areas and if local authorities were to treat applications concerning rural areas with less seriousness than those from suburban areas. In practice, high hedges can be as much of a problem in rural as suburban areas. We hope, therefore, that in any future official commentary on the Bill/Act the reference to high hedges being a suburban problem will not appear.

**The definition of an applicant (clause 2)**

3. We are pleased that under clause 2 an owner/occupier of a property, the enjoyment of which is adversely affected by a high hedge, may be an applicant without it being necessary that his/her property adjoin the land on which the high hedge is situated; and that this is expressly spelt out in paragraphs 8 and 67 of the Explanatory Notes on the Bill. However, we regard it as undesirable that the land on which the high hedge is situated is referred to in the Bill as “neighbouring land” (see the definition of “neighbouring land” in clause 33(1)). This may give the erroneous impression that the applicant’s property must adjoin the land on which the high hedge is situated. It would be particularly unfortunate if that is how local authorities in future came to interpret and apply the Act. We therefore urge the Scottish Parliament to replace the term “neighbouring land” with a more neutral expression, e.g. “the land on which the high hedge is growing”, even if that is a bit of a mouthful.

**The making of an application (clauses 2-7)**

4. The Bill appears to envisage applications being made only by single applicants. But several properties may be adversely affected by the same high hedge. In such situations it would be desirable, both for would-be applicants and for the local authority considering the matter, if the owners/occupiers of all properties adversely affected by the same high hedge were able to make a joint application to the local authority, for which only a single fee would be payable. We urge the Scottish Parliament to amend the Act to this effect.
Bringing the Act into force (clause 37(2))

5. Clause 37(2) empowers Ministers to decide when the bulk of the Act is to come into force. We do not believe that this is desirable. It is not unknown, at least with Westminster legislation, that where ministers are empowered to bring Acts into force, such Acts do not come into force for several years. We appreciate that local authorities require a period of time to introduce the necessary administrative structures to deal with applications once the Bill has been enacted. But we do not think that this should be an open-ended period. We would therefore like to see clause 37(2) amended to provide that the Act will come into force a specified number of months after receiving the Royal Assent.