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

1. No. It does not fully describe what constitutes a high hedge. It is vital that it is clear that the original intention of the planting was specifically for the purpose of establishing a hedge, rather than two or more evergreen trees being planted (or even naturally regenerating) at close spacing which are not intended to be a hedge; closely planted evergreen trees could be interpreted by some people as a hedge under the currently proposed definition. An improved definition of 'High Hedge' would be important. The power to modify the definition of 'high hedge' in the future is therefore an important provision regardless of whether the current definition is amended. It should be noted that many complaints are received are about trees / shrubs which are in a row of 2 or more, but which are not evergreen or semi-evergreen and there is already a public misunderstanding that local authorities can take action in these situations.

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

2. No. It is vital that the bill applies to hedges only.

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

3. This would appear to be a reasonable approach. Clear guidance from the Scottish Government on implementation would be essential. The responsibility of the potential applicant to take all reasonable steps to resolve the high hedge dispute prior to an application is welcomed. However, there is no definition of the level of evidence that the potential applicant would need to provide to the local authority that all reasonable steps to resolve the dispute have been taken; there could be some ambiguity between authorities the level of information required and further guidance on this aspect would be welcomed.

4. It is noted that the owner of the high hedge has ample opportunity to take remedial action at a number of stages.

Do you have any comments on the enforcement procedures proposed under a high hedge notice?

5. No, but it must be acknowledged that this could be a process involving staff resources (landscape officers / arboriculture officers / environmental health, solicitors, enforcement officers).

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

6. No. Fees must be reasonable to cover council’s costs.
Are there any aspects of the systems used in other jurisdictions which should be included within this Bill?

7. No comments.

Are there any aspects of this Bill which would impact positively or negatively on equality of opportunity?

8. Not aware of any.

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

9. Standard explanatory guidance for use of the public would be essential for clarification. This should be provided centrally by the Scottish Government, rather than being left to each local authority to provide their own guidance, which could lead to discrepancies in interpretation.

10. Whilst there is provision to recover costs in the Bill, there remains a concern about the additional workload placed upon existing officers as a result of the legislation; once the legislation comes into force, there will inevitably be increased public expectation that the local authority can take immediate action and some public misunderstanding of the provisions of the legislation, particularly in relation to the current definition of ‘High Hedge’. This will result in officer time dealing with initial queries and site visits, as well as processing eligible applications, application dismissals, decision notices and serving of any high hedge notice.