Local Government and Communities Committee

Post-Legislative Scrutiny of the High Hedges (Scotland) Act 2013

Submission from East Dunbartonshire Council

- The definition of a high hedge needs to be improved. We have had a number of cases where an application has been made relating to a loose group of trees where we have concluded that due to their irregular planting and gaps in canopies they have not been considered a high hedge. In this situation we have refunded half of the fee however a number of applicants have been aggrieved by this decision.

- The situation regarding pre-application advice is not clear. The guidance does not indicate whether it is appropriate, however we do generally give pre-application advice particularly on the issue of whether a hedge would constitute a high hedge under the definition in the act.

- Appeal decisions have on occasions been inconsistent. One point in particular relates to whether it is appropriate to serve a notice which would result in the death of the hedge. Some appeal decisions seem to have suggested that this is not appropriate however in many cases to achieve an appropriate level of amenity a fatal reduction in hedge height may be necessary.

- The 2 metre definition of a high hedge seems to cause confusion amongst applicants with many believing this is a universal maximum for all hedges and the result of any notice will be to reduce the hedge to this height.

- The Act has had the positive of effect of being a sufficient threat to ensure neighbours have resolved the issue amicably. There are a number of examples within East Dunbartonshire Council of proposed high hedge applications which have never transpired after the hedge owner took action when confronted with the possibility of an application.

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