Local Government and Communities Committee

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

Submission from Elizabeth and Ian Brunton

Dear Sirs,

We applied for a High Hedge Notice in 2014 to deal with a neighbour’s cypress hedge which was 6 metres high and stretched 100 metres along the side of our house and down our drive.

On the day before the order was due to take effect, we had an abrupt mobile call from our neighbour telling us that “someone was about to come and cut the hedge”. Within 2 minutes, a man appeared with a tractor and a cylindrical cutter (as used along roadside hedges). He cut the laurel hedge along the back of our house, then he endeavoured to cut the top of the cypress trees from our neighbour’s side of the hedge, but he discovered that he could not because the trunks were too thick. The result of the whole procedure was that large pieces of branches catapulted 10 metres through the air into our garden, banging on our windows and landing all over our side garden for a distance of 100 metres by 10 metres. We could not exit the house to tell the man to stop because of the danger. He made no effort to clean up. It took us 3 days to clear the lawn, flower beds, car park and drive. Surely it is illegal to use such a device so close to a domestic property.

A day or two later two young lads arrived, without prior notice, armed with a chainsaw and no protective gear. They began sawing halfway through the tall branches of the cypresses, and then pulled them until they snapped. We went out to ask them their names and tell them to go away. They would not communicate. They continued the job, leaving the hedge in an uneven, untidy mess. I asked them if they would even the top of the hedge, but they said their saw was blunt and they would only come back “if he paid them”. No-one ever returned to finish the job.

The branches of the cypress lay in the field adjacent to our house for 2 years. I employed a gardener to cut our side of the hedge so that we could negotiate our drive, but couldn’t touch the top because that is not in our ground.

No work, other than the above, was carried out on the hedge by our neighbours over the next 2 years. As a result the hedge was again well over 2 metres. I wrote to Environmental Health, who asked my neighbour twice to cut the hedge and clear the branches from the front of our house. His request was unsuccessful because, of course, the High Hedge Notice had not been implemented in the first instance.
At our request, the Environmental Officer, then put a “safety team” in place and tried to arrange a meeting with ourselves and our neighbour present. Our neighbour refused to attend but was visited at home by a member of the team. We thought this arrangement was unfair and dishonest. However, at that meeting our neighbour said she “would attempt” to keep the hedge at 2 metres and clear the field in front of our house of the two year old branches.

Two months later, when we were away from home, and with no prior notice, the top of the hedge was trimmed again by the man with the rotary cutter, leaving us a dreadful mess to clean up again on our return. This time we had to employ someone for the task because, being in our eighties, we are unable to undertake this ourselves. I again paid a 3 figure sum to have our side of the hedge cut and the mess cleared from our garden and drive. Some months later, two and a half years after they were felled, the cypress branches were moved from in front of our house to a heap 30 metres away.

To date I have paid £450 to the region for an order which was avoided. In addition, it seems, I now face an annual 3 figure sum for dealing with the maintenance of my side of the hedge and clear up the rest (when and if it is done). The High Hedges Bill has been problematic for us and has involved us in a huge initial and annual bill. Admittedly, the Environmental Officer has been very helpful. He told us that our initial application was the best of 5 made in Dumfries and Galloway and that our case was the worst he had ever seen.

I hope I have demonstrated some of the difficulties inherent in the application of the High Hedge Bill and would be grateful for any advice you can give.

Yours sincerely,

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