Local Government and Communities Committee

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

Submission from East Renfrewshire Council

1. Has the definition of a high hedge as set out in the Act proved helpful? If not, please provide details.

   It has been adequate, although we do not think that it should include shrubs.

2. Do you have any experience of the appeals procedure as set out in the Act?

   Yes, and generally this has been satisfactory. We are however slightly concerned at the widening scope of what is a relevant consideration, for example, the loss of a view has been taken in at least one instance to be relevant, and we don’t think this really ought to be a relevant matter.

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

   Only limited with one case to date, and that has been frustrating in cajoling/negotiating with the hedge owner to undertake the works specified in the issued High Hedge Notice. Direct action by the Council is now imminent. If the Council is required to undertake the works then it is suggested that we should also have the ability to serve a fixed penalty notice for non-compliance with the notice.

4. Do you have any comments on fees and costs?

   There has been some criticism regarding the level of fees charged. For your information, from our perspective, the whole process is very time consuming and even the relatively high fee that we do charge probably does not sufficiently cover the costs to the Council, particularly if one includes appeals and the enforcement of notices.

5. Overall, are there any aspects of this Act which has had a positive or negative impact on your life?

   No.

6. Any other issues relating to the Act which you wish to bring to the attention of the Committee?

   Guidance could be clearer regarding the procedure when it is competent to dismiss an application (e.g. frivolous, vexatious, or where it is not a hedge). East Renfrewshire Council has only dealt with a limited number of applications. However twice now after having registered an application
as being competent based on the applicants submission, we have dismissed the applications when, after a site visit, the subject ‘hedge’ was found not to be a hedge e.g. it was part of a woodland. We gave a partial refund of the fee in these instances. Further national guidance would be helpful in such instances to promote consistency of approach across the country.

Further advice on the time(s) of year when it is appropriate to undertake work to trees (avoiding bird breeding seasons) would be useful as there appears to be only a relatively narrow window of late winter early spring. Again, further national guidance would be helpful in such instances to promote consistency of approach across the country.

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