Having been more closely involved in the early application of the Act than I could have expected, it strikes me as being a fair, common sense approach to a difficult subject. In particular, the way that it encourages compromise to be sought, and interpretation and decisions to be made at local level, is laudable. After all what is right for Morningside may not be appropriate in Machrihanish, and vice versa.

However there is an aspect of the new High Hedges legislation which, I believe, is worthy of your consideration.

Hedges and stands of trees which have existed for years, giving ideal habitats for wild life, shelter from winter gales and a natural method of flood prevention, can become a problem when land adjacent to them is developed for new housing. What was an innocuous clump of bushes and/or trees suddenly transforms into a “high hedge” and the subject of serious disputes between neighbours. In addition, the owners of the new “high hedge”, may well find themselves having to pay out a five figure sum to make their “high hedge” into something which the law requires it to be. This is manifestly unfair and should be avoidable.

If it has not already been done, I would recommend that the planning process is updated to ensure any new building will not create a contravention of the High Hedges legislation by being sited too closely to well established hedges & trees. This should make certain that existing property owners and their new neighbours will not find themselves in a difficult, expensive and confrontational situation from the outset.

The foregoing is a situation with which I am very familiar. It forms the basis of three submissions, HHA/2, HHA/18 & HHA/21, and is also mentioned in HHA/23. My wife & I are the owners of the alleged High Hedge and I would just like to put it on record that we were not as dismissive of their concerns as they allege. In 2006 we pollarded the 5 deciduous trees in question (3 Ash & 2 Sycamore, some 15 metres high at the time). In 2014 we offered to pollard them again and continue to do so every 6 or 7 years. But this offer was refused on three occasions, the last being at a SACRO-organised meeting with the neighbour. I believe the reason for the last refusal was that he thought the new High Hedges Act would enable him to have the height of the trees reduced to 2 metres.

I would also refute the allegations in HHA/2 & HHA/18 that branches from the trees fell and caused damage to garages & sheds and that I did not pay for the damage. Firstly no one ever mentioned these incidents to me nor have they sought to recoup
any costs. Secondly the distance from the trees to the nearest garage is 20 metres which, I suggest, makes it physically impossible for a branch from one of the trees to fall on the garage roof, other than in tornado conditions, which really don’t occur in AB13.

I would also like to comment on some of the “facts” which appear in these submissions: (Some may be typing errors).

HHA/2 : 4th para - for 200 metres read 200 feet (60 metres)
HHA/18 : 8th para - for 30 metres read 15 metres; for 50 cms read 2.5 / 3.0 metres
last para - “In the North of Scotland where daylight and sunshine is in short measure”. In fact Aberdeen & London annual daylight figures are virtually the same - as are most places on the planet. Average annual sunshine figure for Aberdeen is 1,435 hrs whereas for London it is 1,480 hrs. i.e. only 3% more.

Hopefully this submission will go some way to giving a view of the subject from the other side of the fence.

J B Anderson