Local Government and Communities Committee

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

Submission from South Lanarkshire Council

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

The inclusion of both broadleaf and conifer trees in the definition has on some occasions resulted in applicants seeking to have groups of broadleaf trees felled or trimmed. A decision on whether or not to determine these applications has often depended on a subjective judgement as whether or not the trees have been ‘planted as hedges’ or form a continuous barrier. This can prove difficult to consistently determine or judge. It has also resulted in applicants seeking to pursue applications which relate to parts of an area of woodland, of mixed species, bordering properties.

Had the Act confined the definition of a hedge to evergreens or semi-evergreen then there would be greater clarity on the kind of cases that it would be appropriate for the legislation to handle.

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

Yes. There are a number of areas where more clear cut guidance on definitions, if provided, could lead to more consistency in appeal decisions. It would also be helpful if clarity could be provided on the extent to which reporters can take into account the impact which remedial works to hedge/trees have on their future health.

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

The need for the height of hedges covered by notices to be potentially monitored over their entire life – to ensure continued compliance – is likely to prove onerous as more decisions are issued.

• Do you have any comments on fees and costs?

It would be more appropriate and equitable if the fee charged was applied nationally and was not determined individually by each Local Authority.

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

No Comment
• Any other issues relating to the Act which you wish to bring to the attention of the Committee?

   No Comment.

Gordon Cameron
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