Thank you for your letter of 1 October in relation to the High Hedges (Scotland) Act 2013 – Revised Guidance to Local Authorities 2019. You requested an update on the outcome of our deliberations with the Scottish Tree Officers Group (STOG) and whether I have determined if a formal reassessment of the revised guidance is required.

After liaising with STOG I remain of the view that local authorities are interpreting the revised guidance consistently. The feedback I have received suggests that many local authorities have found the revised guidance clearer as it addresses a number of the areas where there has previously been uncertainty. Many local authorities have particularly welcomed the addition of a clear definition of a hedge in the revised guidance.

I note that the Committee continue to receive concerns about the practical effect of the revised guidance. I have, therefore, invited all Local Authorities to complete a questionnaire on high hedge data collection and recording; fees; and whether they are experiencing any difficulties with the legislation. This will allow us to further assess the operational impact of the revised guidance on Local Authorities and understand any concerns that they have about this. I have also informed Local Authorities that I intend to hold a Forum in the Spring of 2020 to allow practitioners to come together for an open discussion on achieving best practice and how we can continue to improve delivery of the legislation for the benefit of communities.

For your information I have attached a copy of my letter which I have sent to the Chief Executives of all the Local Authorities.

I will write to you in due course with an analysis of the responses.
Dear Chief Executive

HIGH HEDGES (SCOTLAND) ACT 2013: DATA COLLECTION

On 31 January 2019 the Scottish Government issued Revised Guidance to Local Authorities on the High Hedges (Scotland) Act 2013 (2013 Act). It had been my intention to consult with all local authorities on the operational impact of the guidance after the revised guidance had been in place for at least 12-18 months, however, the Local Government and Communities Committee at the Scottish Parliament has written to me expressing concern about the practical effect of the revised guidance and I have therefore decided to bring the consultation forward in response to the Committee’s concerns.

While I accept that there can be a need for some local variation in the interpretation of the guidance to allow authorities to respond to local circumstance and need, it is of course my aim to achieve consistency in the way individual authorities are interpreting the legislation and guidance so far as possible. I would therefore be grateful if you could complete the High Hedge Questionnaire which will help us to determine the operating impact of the revised guidance and will establish some base data which can be used to make further improvements to the delivery of the 2013 Act. The Questionnaire can be accessed via the following link: https://response.guestback.com/scottishgovernment/xfdllvcciep

The questionnaire is therefore to assess the operational impact of the revised guidance on local authorities and understand any concerns that you have about this. The questionnaire covers data collection and recording; fees; and whether you are happy with the definition of a hedge provided in the guidance.

It is also worth noting that the revised guidance is clear that all reasonable steps to resolve issues should be taken in advance of making a high hedge application. In all cases applicants must be able to demonstrate that they have made every attempt to resolve the problem by discussing the matter with their neighbour. I do of course appreciate that this can be very difficult and recognise that community mediation can be particularly effective in this type of dispute. There are already a range of mediation services available including in-house services and those provided by organisations like Mediation Scotland and Sacro. I would encourage local authorities to consider making full use of these so that the need for making a High Hedge application is the last resort.

St Andrew’s House, Regent Road, Edinburgh EH1 3DG
www.gov.scot
I would be grateful if you could complete the questionnaire by **Friday 14 February 2020**.

Finally, I would like to make you aware that my officials have been liaising with the Scottish Tree Officers Group (STOG) in relation to the application of the legislation and guidance. As a result of this I intend to hold a Forum in the Spring of 2020 to allow practitioners to come together for an open discussion on achieving best practice and how we can continue to improve delivery of the legislation for the benefit of communities. An invitation to take part in this Forum will follow in due course.

KEVIN STEWART