5 August 2019

Dear James

Thank you for your letter of 27 June concerning guidance in relation to the High Hedges (Scotland) Act 2013. As you know, my letter dated 1 May sets out the Scottish Government’s position in relation to the guidance, and I will therefore respond to the additional questions that you have asked.

We still believe that the guidance reflects the intended purpose of the Act and how, in practice, local authorities have been applying the legislation. We recognise there are those who are unhappy with the revised guidance and who feel that it does not go far enough. However, in taking forward the recommendations of the Committee, and in taking on board the views of stakeholders, we have always been clear of the need to develop guidance within the scope of the legislation as passed by the Scottish Parliament.

As you note, the revised guidance was only introduced this year and it is far too early to assess how consistently it is being applied. I have therefore asked my officials to periodically liaise with the Scottish Tree Officer’s Group (STOG) to get feedback on how local authorities are implementing the guidance. The Scottish Government does not hold records of decisions made by local authorities in relation to high hedge decisions, which is of course the responsibility of each individual local authority, but discussion with STOG should allow us to better understand how the guidance is being applied.

The matter of whether or not a formal assessment of the new guidance is needed will be determined by the information coming from STOG and whether this highlights issues that would justify carrying out such an assessment. Therefore, I am open to considering such an assessment, but only if evidence gathered clearly indicates a need for this.
I hope this reassures the Committee that the Scottish Government will continue to consider the impact of the guidance in an appropriate and proportionate manner.

Yours sincerely

KEVIN STEWART