

The High Hedges (Scotland) Act 2013

Guidance for potential applicants.



Falkirk Council
Development Services

The role of Falkirk Council in relation to the Act is to act as an independent and impartial third party to identify whether a high hedge has an adverse impact on the reasonable enjoyment of neighbouring domestic property in light of the facts and circumstances of each individual case.

A good hedge has many benefits as a garden boundary. A hedge is a useful weather and dust filter, is inexpensive to create and long-lasting, can encourage wildlife and can be a feature of beauty and interest in its own right. It also offers privacy and security. But problems can occur if a hedge is allowed to grow unchecked.

Excessive shade cast by overgrown or inappropriate hedges can harm a person's enjoyment of their garden or home. This guidance explains some of the things you can do if a neighbour's hedge is reducing your enjoyment of your property.

If you are troubled by a neighbour's hedge the first thing to do is to talk to them about the problem and try to reach a mutually agreeable solution. Remember that whether or not there is a hedge between you, you have to continue to live with your neighbours. Resolving disputes with them amicably is always preferable.

It is always best if you can agree a solution, even if you have fallen out with your neighbour. Before you contact your neighbour, be clear in your own mind about:

*What the problem is
How it affects you
What you want*

Someone who is not involved - like Citizens Advice Scotland, law centres or Planning Aid Scotland - can help you work out what to say. You might also find it helps to write it down.

If your neighbour refuses to talk to you, you can ask for the help of independent mediators. Mediators are totally impartial and don't tell you what to do but help you and your neighbour to work towards finding your own answer. Falkirk Council provides a very successful [mediation service](#) which is available to offer support and advice to people who are having problems with neighbours and to help neighbours to resolve their difficulties. You can approach them even if your neighbour hasn't yet agreed to take part. But for mediation to be a success, both you and your neighbour must co-operate in the process.

Involving the Council should always be the last resort. We will expect you to have made reasonable efforts to agree a solution with your neighbour before contacting us. We can dismiss your complaint if we think that you haven't done enough to try to sort it out yourself. Before you approach us, it's as well to write to your neighbour to let them know what you are going to do. Keep the letter short and simple. Don't make it sound like a threat.

The High Hedges (Scotland) Act 2013 is intended to control hedges over two metres high which are causing a loss of residential amenity because of a loss of light, to your house or to your garden. If you feel that your neighbour has a hedge over two metres high which is a barrier to light, you can apply for the Council to serve a High Hedge Notice. You will have to show evidence of the efforts that you have made to reach an amicable solution, so make sure you keep records of correspondence.

The Act gives a definition of a high hedge as being a hedge which:

- is formed wholly or mainly by a row of two or more trees or shrubs (planted as a hedge),
- rises to a height of more than two metres above ground level, and
- forms a barrier to light.

For the purposes of the Act, the Oxford English Dictionary definition of a hedge is used -

"A row of bushes or low trees (e.g. hawthorn, privet) planted closely to form a boundary between pieces of land or at the sides of a road"

If your neighbour's hedge does not meet the above criteria, we will not be able to accept an application for a High Hedge Notice. We will also not be able to accept your application if your property which is affected by the hedge is not residential, if you are not the owner or occupier of the property affected and if you have not made any effort to contact the owner of the hedge to resolve the situation between you.

The legislation is aimed at controlling hedges which would normally be on the boundary of a garden. Areas of woodland which are adjacent to residential properties are not, for the purposes of the Act, considered a 'hedge' and cannot be the subject of a notice.

When you apply, you will need to:

- Complete **all** of the application form, which sets out the requirements for making a serious complaint.
- Provide a map which clearly shows the location of the hedge. You should use a colour or cross-hatching to highlight the hedge. You can submit as much additional supporting information as you wish, but please bear in mind that the Council has to share all the information you supply with the owner of the hedge.
- Pay the fee for processing the application.

The application fee is £401. We will only refund this fee if we dismiss an application. We have to dismiss an application if we believe that the applicant has not taken all reasonable steps to resolve the situation or if we consider that the application is "frivolous or vexatious". We will decide on a case by case basis if an application is frivolous or vexatious depending on the circumstances of the application. An example might be where someone repeatedly applies (unsuccessfully) to the Council for a High Hedge Notice without any significant change in circumstances that would affect the Council's decision. For clarity, if we decide that a hedge is NOT a high hedge, we will consider the application "frivolous" and the application fee will be refunded.

There will be no refund of fees paid for applications which are considered eligible for consideration under the Act, regardless of whether the Council decide to issue a High Hedge Notice or if the application is subsequently withdrawn.

By its very nature a high hedge dispute will involve correspondence between the parties, both prior to and during the consideration process. The parties will therefore be known to each other, and the Act requires the exchange of documents which will include personal data (i.e. data which relates to a living individual and the individual can be identified from that data).

In our recording and processing of your application and in our capacity as data controllers, we will observe and comply with the terms of the Data Protection Act 1998 and the Environmental Information (Scotland) Regulations 2004.

Contact us:

Mediation Service:

Corporate & Neighbourhood Services
Falkirk Council
The Forum
Callendar Business Park
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High Hedge Applications:

Development Management
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