

12 HIGH HEDGES (SCOTLAND) ACT 2013 (AN144-2014)

The High Hedges (Scotland) Act 2013 came into force on 1st April, 2014. This allows householders in specified circumstances to make an application to the Council seeking to have action taken over a high hedge which affects the reasonable enjoyment of their property.

Rather than the Scottish Government setting a standard fee for these applications, Section 4 of the Act allows Councils to charge a fee which should not exceed the reasonable costs of deciding the application.

The Council took part in a "Costing the Planning Service" exercise co-ordinated by the Improvement Service last autumn with 15 Councils. The average cost for the 15 Councils to process householder applications was £471. It is assumed that the cost of dealing with a high hedge application will be greater than processing a householder application. All cases will be contentious (the application can only be submitted if parties fail to agree to deal with the hedge) so protracted correspondence is anticipated along with an inevitable appeal and possible enforcement action to follow.

Other Councils are proposing a range of charges almost all of which fall within a band of £380-£450. Dundee City Council has set a charge of £400. Although it is unlikely that this will cover all our costs it will ensure that the cost of an application is not prohibitively expensive. A refund of 50% of this fee will be available where applications are dismissed or withdrawn at an early date. The Council will monitor the situation over the next 12 months to ensure that this cost is reasonable.

This fee was approved by the Convener, Labour Group spokesperson, Conservative member, Liberal Democrat member and Independent Member.

The Committee is asked to note the foregoing.