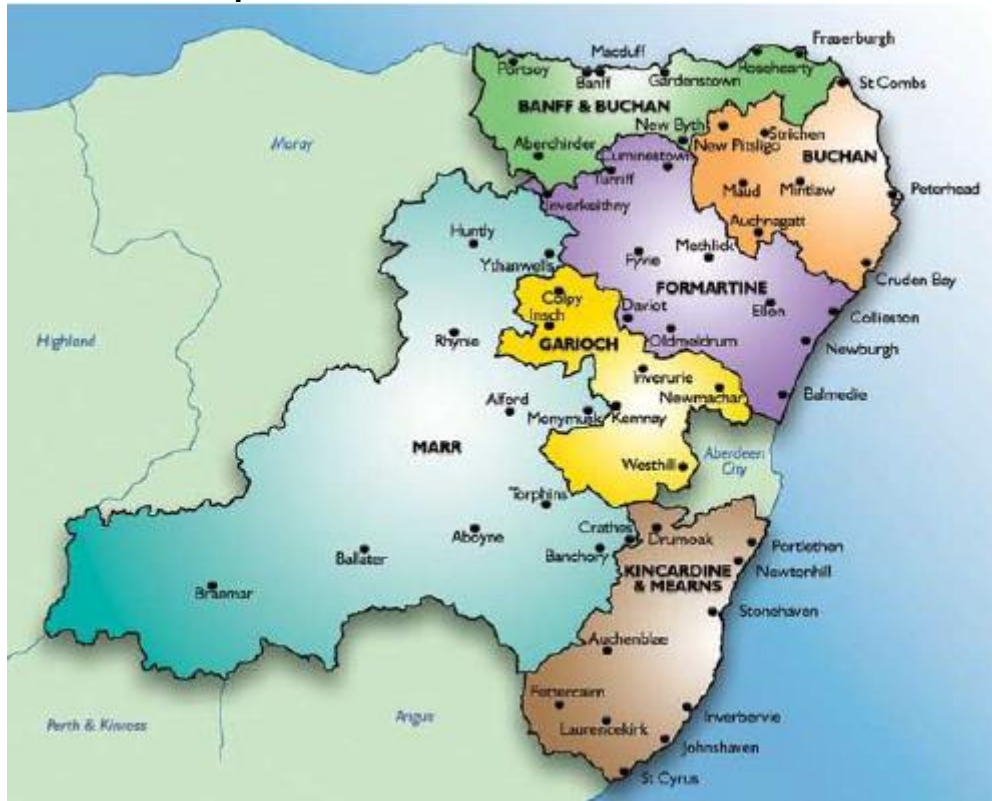


High Hedge Enquiry

This map shows the service areas of Aberdeenshire



Any questions about the completion of this form, please contact the planning team:

Telephone enquiries - 01467-534333

Email enquiries - highhedges@aberdeenshire.gov.uk

Send your completed form to:

The E-Planning Team
Aberdeenshire Council
Viewmount
Arduvie Road
Stonehaven
AB39 2DQ

(or email to planningonline@aberdeenshire.gov.uk)



Please complete the following information:

1) Your Details

Name	
Address	
Postcode	
Phone Number	
E-mail	

2) Address of property where potential high hedge is located

Address	
Postcode	

Please provide a site location plan (this can be a sketch or a Google map etc.) showing the position of the hedge in relation to the affected property(s).

3) Further information

	Yes	No
Is the hedge made up of a row of 2 or more trees or shrubs?		
Is the hedge over 2 metres in height?		
Is the hedge a barrier to light (even if there are gaps)?		
Is the affected property residential?		
Is the hedge growing on land owned by someone else?		
Have you attempted to resolve the issue with your neighbour?		
Are you the owner/occupier of the affected property? (If you are a tenant, please advise the landlord/owner accordingly.)		
Have you provided photographs?		



4) Any additional relevant information

Signed	
Print Name	
Date	

High Hedges Act Frequently Asked Questions

The High Hedges (Scotland) Act 2013 received Royal Assent on 2 May 2013. Although some administrative elements of The Act came into force on the day after Royal Assent, the main provisions of the Act such as making an Application for a High Hedges Notice did not come into force until April 2014.

[The High Hedges \(Scotland\) Act 2013 \(the Act\)](#), aims to provide an effective means of resolving disputes between neighbours over the effects of a high hedge and therefore requires that neighbours must first attempt to resolve the issue themselves before approaching the Local Authority.

Where it is considered a high hedge is affecting the enjoyment of a domestic property, the Act empowers Local Authorities to make and enforce decisions in relation to high hedges. However, a Local Authority can only take action where it is considered that the hedge is forming a barrier to light and, as a consequence, is affecting the enjoyment of the domestic property.

The Act also permits Local Authorities to set their own fees for considering a High Hedges Application. There is no upper limit to the fee which a Local Authority may charge provided they can justify the fee set. At this time the fee as set by Aberdeenshire Council is £450.

Below are a few questions and answers which may provide some useful information:

What is a High Hedge?

The Act applies to a hedge which is formed wholly or mainly by a row of 2 or more evergreen or semi-evergreen trees or shrubs which rise to a height of more than 2 metres above ground level and form a barrier to light.

Who should I contact to make an application for a High Hedges Notice?

The Planning Service, shall process and consider applications for a High Hedge Notice, informal advice can be obtained by emailing:

highhedges@aberdeenshire.gov.uk

My neighbour's hedge is above 2 metres in height, however, the hedge has significant gaps which allow light to penetrate, can I still apply for a High Hedges Notice?

It is unlikely that any action would be taken as the hedge must form a significant barrier to light. The decision on whether the hedge is forming a significant barrier to light will be made by Aberdeenshire Council.

I note that in other areas of the UK where similar legislation exists, that the Legislation only applies to evergreen trees or hedges is this same for Scotland?

No. In Scotland the Government have gone further and included semi-evergreen trees and shrubs as well as evergreens.

Will Aberdeenshire Council take action where it notices a High Hedge which it believes is having an effect on a property?

No. Aberdeenshire Council will only investigate and take appropriate action when an application for a High Hedge Notice is received and subsequently upheld by the Council.

Is it true that I have to discuss the problem with my neighbour before I approach the Council?

Yes. The Act makes it quite clear that a Local Authority may set pre-application requirements before it will consider an application for a high hedges notice. The pre-requirements are not set by Government. Advice on the pre-requirements as set by Aberdeenshire Council can be found at:

[High Hedge Guidance](#)

What may I have to do before I apply for a High Hedges Notice?

The Council shall require you to demonstrate that you have recently attempted to address the problem via communicating either verbally or in writing with your neighbour. It shall also require evidence that you have attempted mediation to sort the problem. It is important to note that any attempt to address the problem must have been recent and not historic, simply saying you do not speak with your neighbour or have difficulties locating him or her may not be acceptable to the Council who may refuse to consider your application.

The council offers free [mediation services](#).

What do I do if I cannot reach an agreement with my neighbour?

At this point, provided you have taken in the Council's view, all reasonable measures to try and address the problem with your neighbour, you may, subject to payment of an appropriate fee, [apply](#) to Aberdeenshire Council for a High Hedges Notice.

Why pay a fee?

The Act is intended to be cost neutral to the Local Authority and, therefore, the cost of considering the application should cover the Local Authority's costs in investigating the matter.

Once I pay my fee will there be any additional costs?

No. The fee is intended to cover the costs of considering an application for a High Hedges Notice. Any potential subsequent costs will be covered by either your neighbour, if they are required to lower the height of the hedge, or the Local Authority if it is necessary for them to carry out the works. A Local Authority may then attempt to recoup their costs from the landowner.

How will my Application be considered?

Once an appropriate application is received a representative from Aberdeenshire Council will contact the owner and if appropriate the occupier of the neighbouring property to advise that an application has been received. A copy of the application will also be forwarded to the property owner and occupier. The property owner/occupier then has 28 days to make any comments on the application to the Council.

Will the Council visit my property?

An Officer(s) from the Council will visit your property and that of your neighbour to determine if the hedge is a high hedge as defined within the Act and give consideration to whether the hedge is forming a barrier to light. Thereafter, all parties will be advised of the Council's decision.

What happens if the Council decides that the hedge is a high hedge and forms a barrier to light?

Provided the hedge is a high hedge and forms a barrier to light, the Council will advise all parties of their decision and, if appropriate, issue a High Hedges Notice which will specify measures which the hedge owner is required to carry out to lower or remove the hedge. The Notice shall also specify a specific period of time in which the requirements of a High Hedges Notice must be carried out.

What if my neighbour does not carry out the works?

Should your neighbour fail to carry out the works required by a High Hedges Notice then the Council may enter the land and carry out the required works. Thereafter, the Act allows the Council to recover their costs from the owner of the neighbouring property.

If the Council decide that the hedge is not a barrier to light or adversely affecting my property can I take the matter further?

Yes. You have a right to appeal against the Council's decision if either they refuse your application or you do not believe the requirements of a High Hedges Notice go far enough. Any appeal would be considered on behalf of Scottish Ministers by a Reporter appointed from within the Directorate of Planning & Environmental Appeals ([DPEA](#)).

Can my neighbour also appeal?

Yes. Your neighbour also has a right of appeal to Scottish Ministers where they consider the hedge is not a high hedge or forming a barrier to light. They may also appeal against the requirements of a Notice if they believe the required works are excessive.

The hedge I want to complain about is not on my next door neighbour's property but a few doors up, can I still complain?

Yes. The hedge of concern does not have to be immediately adjacent to your property, it just needs to be forming a barrier to light and as a consequence, adversely affecting the enjoyment of your property.

Leaves from my neighbour's trees are blocking my drains and causing me additional work in the garden to clear the leaves, can I still complain?

No. The Act is quite clear that all that can be considered is whether or not your concern relates to a high hedge which is causing a barrier to light.

If you have difficulty reading this paper, please telephone 01467-534333.