

**CASTLEREAGH BOROUGH COUNCIL**

**REPORT OF THE ACTING ENVIRONMENTAL HEALTH MANAGER**

**TO THE CHAIRMAN AND MEMBERS OF THE TECHNICAL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING TO BE HELD ON TUESDAY 19 JANUARY 2010**

**6.0 DRAFT HIGH HEDGES BILL**

I wish to advise Members that this Service Unit has received the public consultation on the Draft Bill. The closing date for the consultation is 1 March 2010.

As Members will be aware through their constituents the issue of high hedges and perceived reduction of and loss of light remains very controversial and the pending Bill will have a significant impact on Councils who have been charged with its enforcement.

On receipt of a complaint the Council will act as an independent and impartial third party and adjudicate whether the hedge is adversely affecting the complainants reasonable enjoyment of their property.

The proposed Bill gives the following powers to authorized officers.

- Powers to enter land.
- Powers of obstruction to officers.
- Powers to serve/withdraw and amend remedial notices.
- Powers to levy fees for complaints – this is to recover associated costs and is not a penalty.

The service of a Notice will remain in affect even if the ownership of the land where the hedge is located changes. A Notice can only be served where a line of 2 or more evergreens greater than 2 metres above ground level reasonably affects the enjoyment of property. Failure to comply with a Notice would result in legal action and a fine being imposed on conviction.

Council also has the option of doing the works be default and placing a charge on the property to ensure costs are recovered.

It should also be noted that both parties have Rights of Appeal under the Bill.

**Recommendation**

***It is recommended that Members note the above and whilst the Environmental Health Service Unit welcome additional powers to assist the ratepayers of the Borough, I am sure Members would agree that this is likely to be a significant imposition on an already busy frontline service.***