



Northern Ireland  
Assembly

## Research and Library Service Briefing Note

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# High Hedges Legislation Review

It is apparent that currently there has not been a government review conducted on the High Hedge legislation which came into force in 2005 under Part 8 of the Anti-social and Behaviour Act (2003). This is evident as:

### Communities and Local Government (CLG)<sup>1</sup>

Information received from the Planning, Building and Environment Division stated:

*A review of the high hedges legislation, Part 8 of the Anti-social Behaviour Act 2003 and associated regulations, has not yet been carried out. We are looking at the full range of our responsibilities for regulation, which includes high hedges. The scope and timing of any review has yet to be agreed.*

Also, in their paper '*Matters Relating to High Hedges – Notes to local authorities (2008)*'<sup>2</sup> CLG advised councils to maintain records of complaints and their outcome, to

<sup>1</sup> Communities and Local Government has responsibility for developing planning policy and wider planning legislation that affect the environment, including trees and high hedges. They work closely with colleagues across Communities and Local Government, other government departments and external partners in delivering these policies. For more information see: <http://communities.gov.uk/planningandbuilding/planningenvironment/>

<sup>2</sup> CLG (2008) *Matters Relating to High Hedges- Notes to local authorities*  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/highhedgesnotes.pdf>

inform future review of the process. They inform that they have a commitment to carry out a 5 year review in 2010. For each year of operation, the following information was suggested as being appropriate:

- numbers of enquiries about the legislation
- numbers of formal complaints received
- number determined
- number of remedial notices issued
- number of complaints about failure to comply with the requirements of a remedial notice (enforcement cases)
- number resolved informally
- number of prosecutions and outcome
- number of occasions that the authority used its default powers to carry out works to the hedge.

Hedgeline, the national lobby and support group for the victims of high hedges.

- 1) have stated on their website:

*“The council is at present doing most of the initial advice work. We are helping with tricky appeals. We are still resting after the effort of the campaign for the High Hedges Law but our workers are waiting in readiness for the next vital stage of the campaign, which is most a likely to be a government review of how this legislation is working (August 2010)”<sup>3</sup>*

- 2) have written in their review on 15<sup>th</sup> January 2008 ‘Where are we now’<sup>4</sup> that:

There have been fewer applications to councils to invoke the law than was originally envisaged – partly due to growers dealing with the problem rather than have the council involved. Satisfactory settlements are being dealt with ‘out of court’. Some of these settlements include hedges which have caused problems for years, where the owners have cut the hedge themselves to avoid involving the council.

Points to consider in relation to the implementation of the ‘High Hedges Law’ are as follows:

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<sup>3</sup> Hedgeline [online] <http://freespace.virgin.net/clare.h/index.htm#MAIN> (accessed 05/10/2010)

<sup>4</sup> Hedgeline [online] *The High Hedges Law – Where we are now (January 2008)*  
<http://freespace.virgin.net/clare.h/hdg1Campn.htm> (accessed 05/10/2010)

- Decision letters issued by local authorities show a lack of knowledge of the 'High Hedges Law' – this is being attributed to the fact that appeal decisions are not published and councils are not getting the feedback on appeal decisions.
- A third of appeal decisions result in a changed decision, so there is a one in three chance of overturning the council's decision on appeal
- Staging<sup>5</sup> is used now when dealing with very high hedges, where care is taken by appeal inspectors to give a balance between the privacy requirements of the owner against the harm caused to the complainant by the hedge.
- No progress has been made concerning 'overhanging branches'. According to Hedgeline, elderly victims (80 plus years) are being expected to deal with overhang themselves.
- Hedgeline hopes to address these issues at the review of the legislation in 2010

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<sup>5</sup> This is an expedient brought in, in an attempt to deal with situations where a hedge might be killed by cutting to the height recommended on the council remedial notice. The hedge is reduced by a certain proportion each year and is given a chance to recover before further reduction.