



HIGH HEDGES (SCOTLAND) ACT 2013

APPLICATION FOR HIGH HEDGE

PLEASE READ THE ATTACHED NOTES FOR GUIDANCE BEFORE THIS FORM

Note: The details of this application – including who made it (but not telephone or e-mail details) – will be copied to the owner/occupier of the land on which the hedge is situated

1. Your Details	2. Agent Details (if appropriate)
Name	Name
Address	Address
.....Post Code.....Post Code.....
Tel. No.	Tel. No.
E-mail address*	E-mail address*

* If you provide an e-mail address, we will undertake all further communication by e-mail, unless otherwise advised; If an agent's details are provided, all correspondence will be undertaken through the agent.

3. Details of Hedge Owner (as far as known)

Name

Address

Post Code..... Tel. No.E-mail address.....

4. Making a Complaint (please circle either YES or NO as appropriate)

- (a) Is the hedge made up of a row of two or more trees/shrubs? Y / N
- (b) Is the hedge over two metres (6ft 6in) in height? Y / N
- (c) Is the hedge a barrier to light? Y / N
- (d) Is the property affected by the hedge residential? Y / N

5. Your application

Please describe the effect that the hedge is having on your property and how severe you consider the effects to be:

- (e) Is the hedge growing on land owned by someone other than yourself? Y / N

(f) Have you attempted to resolve the issue with your neighbour Y / N

(g) Are you the owner/occupier of the affected property? Y / N

6. What You Have Done to Try to Resolve the Issue:

(A) Approached neighbour/hedge owner (details, including dates)

(B) Asked Neighbour to take part in mediation or other form of negotiation (details, including dates)

(C) Informed Neighbour of Intention to Make Application (details, including dates)

(D) Have you tried anything else that you wish the Council to be aware of? (details, including dates)

7. Supporting Documentation and Declaration

I hereby apply for a High Hedge Notice and declare that, to the best of my knowledge, the information contained in this application and in the submitted information is correct.

I attach TWO copies of the application form and enclose the application fee of £....., together with:

A plan identifying the location of the hedge and other documentation to assist in the identification of the hedge

Copies of photographs/plans and/or sketches to support my application

Copies of any letters or other correspondence, including any referred to in this application

Signed..... PRINT NAME..... Date.....

Please send the completed form to:

Planning and Regulatory Services
Environment & Infrastructure Department
Scottish Borders Council
Newtown St. Boswells
TD6 0SA

SCOTTISH BORDERS COUNCIL
APPLICATION FOR HIGH HEDGE NOTICE
GUIDANCE NOTES

These notes are intended to assist in the completion of the application form for a High Hedge Notice and to help you submit your application correctly. They also explain a little about the process, more details of which can be found on the Council's website, www.scotborders.gov.uk.

Please read these notes carefully before completing and submitting the form.

We need names and addresses because there are some documents that we are required, by law, to send to the owner **and** occupier of the land on which the hedge grows. We also need this information because we will have to get in touch with the occupier to arrange to visit the property so that we can see for ourselves the effect of the hedge.

Question 1 Your Details

You must be the owner **or** occupier of the property affected by a high hedge in order to make a formal application to the Council. The property should be in use, either wholly or in part as residential accommodation otherwise we cannot consider the complaint. If you do not own the property (e.g. because you are a tenant or a leaseholder), you can still make a complaint but you should let the owner (e.g. landlord or management company) know what you are doing.

The Council undertakes to communicate by e-mail wherever possible. Therefore, if you provide an e-mail address, we will carry out all further written communication by e-mail, unless otherwise advised. This will include our decision on the complaint.

Even if someone else is submitting the complaint on your behalf, it is important that we have your contact details.

Question 2 Agent Details

Complete this section if you are a professional adviser, relative, friend or other representative acting on behalf of the applicant. It is not necessary to employ an agent, but if one is employed all correspondence will be sent to them. If the form is completed by an agent, please ensure that the name of someone who can be contacted by e-mail and telephone is given.

Question 3 Details of the Hedge Owner

This will normally be the person you have talked to when you tried to agree a solution to your hedge problems. If the site where the hedge is growing does not have a postal address, use the box to describe as clearly as possible where it is e.g. 'Land between 12 and 14 High Street'. We need this information because we will have to contact these people for their comments, and to arrange to visit the site where the hedge is growing.

If you are in any doubt about who owns the property where the hedge is situated, you can check with the Registers of Scotland, which can provide copies of title plans. There is a charge for this service. Further information can be found at www.ros.gov.uk.

You must, however, have taken reasonable steps to identify the landowner before you submit your application.

Question 4 Making a complaint

You must answer all of the questions in this section. If you cannot answer "Yes" to every question in this section, we will not be able to register your application. You should, however, be aware that we will make a separate assessment of the circumstances – including by means of a site visit – and if it transpires that these tests have not fully been met, your application may be dismissed without refund. **You should therefore be absolutely satisfied that you are able to answer these questions correctly.**

For the purposes of considering these applications, the Council defines a hedge as "a row of bushes or low trees, planted closely to form a boundary between pieces of land or at the sides of a road."

Question 5: Grounds for making your application

It will help if you provide as much information as you can but please keep it factual. Remember that a copy of this form will be sent to the person who owns the property where the hedge is growing (and to the person who lives there if they are different people).

You may continue on a separate sheet, if necessary.

Concentrate on the hedge and the effects you experience because of its height. Remember that this process is principally concerned with the effects of a hedge on neighbouring properties in terms of light loss; we cannot consider problems that are not connected with the height of the hedge, for example, if the roots of the hedge are pushing up a path. Nor can we consider things that are not directly about the hedge in question, for example, that other people keep their hedges trimmed to a lower height; or that the worry is making you ill.

Please also provide a photo of the hedge and a plan showing the location of the hedge and surrounding properties. A 1:1250 Ordnance Survey plan, with the position of the hedge clearly marked in red, will be ideal in this regard.

If you are producing your own plan, it should ideally be to a recognised scale, but please make sure that you:

- Mark and name surrounding roads
- Sketch in buildings, including adjoining properties. Add house numbers or names
- Mark clearly the position of the hedge and how far it extends.

If you are complaining about the hedge blocking light, please also show on your plan:

- Which way is north
- The position of windows that are affected by the hedge (e.g. whether they are located on the front, side or rear of the house)
- Relevant measurements (e.g. size of garden, distance between the hedge and any windows affected)

Indicate all measurements in metres (m).

Please include copies of any professional reports that you may have had prepared and of any other documents that you want the Council to take into account.

Question 6: Attempts to resolve the complaint

Before the Council can accept your application, we must be satisfied that you have done everything that you can to resolve the issue with the owner of the hedge. Use this section to set out what you have done to achieve this. If you cannot provide evidence of attempts to resolve the issue, the Council is required to reject the application.

Please keep the descriptions brief but say how you made the approach (e.g. face to face, phone, letter) and what the result was.

You should include copies of all correspondence with the owner of the hedge about the issue with your application.

Question 7 Supporting documents

Please make sure you have ticked all the relevant boxes.

If you have ticked the last box, you may want to supply a list of these documents by date and title (e.g. letter to neighbour dated 12 January 2014; surveyor's report). This will help us to check that we have got everything you believe is necessary for us to assess your application.

Fee

The fee for an application for a High Hedge Notice is **£400**. An application will not be progressed without the required fee. You should be aware that, once registered, we will commence assessment of the application. There is therefore no mechanism for a refund of all or any of the fee, including where an application is dismissed or if we determine that the application does not meet the definition of a "hedge" or "high hedge" for the purposes of applying the legislation.

Note

The Council must consider all relevant factors and assess each case on its own merits. As part of this process, we are required to balance the severity of the impact of the hedge on the applicant's property against its wider amenity, cultural or historic value. We must also take into consideration any other legal or environmental restrictions that apply.