

From:
To: [REDACTED]
Subject: RE: High Hedges
Date: 27 September 2016 10:28:03
Attachments:

Hi [REDACTED]

I have had a look through the guidance and the legislation. Although there is guidance available on this, it is important that the legislation is also considered in this.

The 2013 Act at section 1 defines what a high hedge is:

This Act applies in relation to a **hedge** (referred to in this Act as a “*high hedge*”) which—

- (a) is formed wholly or mainly by a row of 2 or more trees or shrubs,
- (b) rises to a height of more than 2 metres above ground level, and
- (c) forms a barrier to light

On reading this, my interpretation is that for it to be a high hedge, the **hedge** has to be of certain characteristics. In addition, the new guidance does state at page 36 under the Right of Appeal section that there is no right to appeal where the application is not valid ie. Not a **hedge** as set out in the 2013 act.

I think this forms a good argument to support your position below. I am unsure of the ins and outs of the cases you are dealing with at the moment but if either of the parties were to submit a fresh applications, they would have to be considered again on their own merits and it could be that they now are classed as hedges for the purposes of the Act.

Hope that helps to answer your question – please let me know if you need anything further.

Kind regards,

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From: [REDACTED]
Sent: 26 September 2016 16:26
To:
Subject: RE: High Hedges

Hi,

Happy to send images through if that is helpful. Could I just clarify though, we are not necessarily looking for an opinion on a particular case although we have two current cases which are relevant.

Apologies if I am just repeating what has passed on but I thought it may be useful to outline what we are seeking an opinion on.

To accompany the Act a document entitled guidance to local authorities was produced. The original guidance clearly stated 'For trees or shrubs to be considered as a high hedge they must first be a hedge' (Page 11 sub. section 'Hedges')

This guidance has now been revised and the above statement removed. The revised guidance merely describes what defines a high hedge (page 11)

Whilst the guidance has changed, my interpretation is that we still need to consider the trees and shrubs in question to form a hedge before we can consider them as a high hedge. The issue we are facing are claims that both a group of trees in one scenario and a line of trees in another scenario are high hedges as they meet the definition of a 'high hedge' whilst not, at least in our opinion, meeting the definition of a hedge.

If you still want images just let me know and I will send them through, equally if it's easier to catch up and discuss just let me know and we can arrange.

Thanks [REDACTED]

[REDACTED]
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