

CONSULTATION ISSUES

Q1 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guidance for Councils?

There are concerns surrounding the timescale 2.17 (page 29) for Councils to arrive at a decision. There is an expectation that it could take at least 12 weeks as well as the indeterminate length of time it may take for the hedge owner to take action, for example; a complaint may be made in December and a decision may not be through until March which would run into the beginning of the bird nesting season.

Where the Council is party to a complaint concerning its own evergreen/semi evergreen hedges within its properties, would it be fair to charge a generic fee in this instance, considering the Council should be maintaining to a degree, boundary vegetation?

Although this guidance is made for Councils it is likely to be available to the public and the reference in 2.19 (page 30) may be unhelpful in relation to refund if a complaint is withdrawn. Councils should be able to decide their own policy on refunds.

Compliance period in Section 3.6 (page 35) is very clear that there is only one enforcement date i.e. compliance date of notice. In cases where very high hedges must be lowered by stages, could it not be timetabled into what steps must be carried out annually with an enforceable date attached at each stage. The alternative to this is that a hedge owner may receive a notice to reduce the hedge to 2 metres from 30 metres and may be given 4 years to complete this in staged reductions. That hedge owner may decide to continue with the 30 metre hedge until just before the enforcement date and then remove the hedge. Some may be aggrieved at seeing no action in that 4 year period.

In section 3.7 (page 36) there appears to be a directive that Councils should apply a statutory charge against an outstanding fee applied to the hedge owner. It was our understanding that this charge could be pursued as a civil debt through small claims court.

In section 2.4 (page 70) there is a reference to 'view' which cannot be a consideration for this legislation.

Q2 – Are there any further aspects that need to be covered in the Guidance for Councils?

Can the Department issue advice in relation to a situation where a high hedge is complained about and the investigation finds that no remedial work is required in relation to distance to the dwelling? If the complainant in later years extends their house towards the hedge, does this initiate a new complaint and assessment or is there an onus on relevant authorities to assess this e.g. planning, or in some cases no planning permission may be required for a small extension?

In the case of a complainant making a complaint about multiple hedge where notices are served on these multiple hedge owners, does the fee transfer onto those that don't carry out remedial work at the full rate or at the relevant fraction of the full rate? (E.g. three hedge owners receive notice and none do the remedial work, then would the maximum fee be transferred onto each of them or is it one third of the maximum fee onto each of them?)

Q3 – Do you have any comments on the High Hedges Act (Northern Ireland) 2011 – Technical Guidance?

No comments.

Q4 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guidance for Complainants?

No comments.

Q5 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guidance for ‘Hedge Owners’?

No comments.

Q6 – Do you have any comments on the draft High Hedges Act (Northern Ireland) 2011 – Guide to Appeals?

No comments.

Q7 – Are there any other aspects of the High Hedges Act that could benefit from guidance being produced by the Department?

No comments.