

The Highland Council

Planning, Development & Infrastructure Committee

14 May 2014

High Hedges (Scotland) Act 2013

Report by Director of Development and Infrastructure

Agenda Item	14
Report No	PDI 11/14

SUMMARY

On 1 April 2014, the High Hedges (Scotland) Act 2013 came into force and introduced new powers for Councils in Scotland to take action against high hedges which form a barrier to light and adversely affect the enjoyment of an adjacent domestic property. In order to discharge its functions under this Act, the Council amended its Scheme of Delegation at its March meeting. Interim policies and fees were also introduced by the Development & Infrastructure Service. This report provides a brief background to, and explanation of, the new high hedge processes and makes recommendations on the adoption of guidance and fixing of fees.

1. BACKGROUND

- 1.1 The High Hedges (Scotland) Bill was passed by the Scottish Parliament on 28 March 2013 and received Royal Assent on 2 May 2013.
- 1.2 Now the High Hedges (Scotland) Act 2013 ("the Act"), the legislation, which came into force on 1 April 2014, introduces new powers for Councils in Scotland to take action against high hedges which form a barrier to light and, in doing so, adversely affect the enjoyment of an adjacent domestic property.
- 1.3 An overview of the Act and an explanation of the new processes that it has introduced are included in Appendix A.
- 1.4 Since coming into force, the Council has received approximately 15 enquiries about high hedge notices under the Act. None of these enquiries have so far resulted in a formal application being made; however, this is likely down to the need to comply with a number of pre-application requirements which can take a month or so to meet. Applications are expected for most of these enquiries in due course.
- 1.5 All high hedge applications will be dealt with by the HQ Planning Enforcement Team; the same will apply to enforcement of any high hedge notices served by the Council. This reduces the burden on area staff, enables specialism to be developed and facilitates close working with the Council's forestry officers and conservation officer, which will be required with many high hedge applications.

2. SCHEME OF DELEGATION

2.1 In order to support the commencement of the Act and the introduction of new powers over high hedges, at its meeting in March 2014, the Council adopted a new scheme of delegation. The main principles of the amended scheme are as follows:

- The power to adopt statutory guidance and fix fees is delegated to the Planning, Development & Infrastructure Committee. This mirrors the existing process for adopting planning guidance and fees (other than those set by the Scottish Government).
- The power to determine applications and undertake enforcement action that is not delegated to officers or where officers have declined to exercise their delegated powers rests with Planning Applications Committees. This mirrors the existing process for determining planning applications.
- The determination of whether or not a hedge is a 'high hedge' for the purposes of the Act will be taken by officers. Such determination is primarily a technical assessment drawing on legislation and guidance. Delegation to officers mirrors long-standing planning permitted development rights assessment.
- The dismissal of an application where pre-application requirements have not been carried out will be carried out by officers. The Council has no discretion in this matter and dismissal is a statutory requirement.
- The power to determine applications for a High Hedge Notice and, if necessary, serve Notice (and to vary or withdraw a previously served Notice) is delegated to officers, unless there are unresolved objections from the National Park Authority, in which case the application would be referred to Ward Members who would decide whether or not it should be determined by the relevant Planning Applications Committee. The determination of applications is, on the whole, restricted to broadly technical considerations, although there is limited scope for interpretation when it comes to amenity and historic significance; the application of technical standards is likely to be the prime determining factor. The expectation that a decision will be made soon after the 28 day period means the determination of High Hedge Notice applications by committee would extend the decision-making process considerably beyond 28 days, particularly as determination may regularly require a site visit. In order to issue timeous decisions, only applications where the National Park has objected would routinely go before Committee.
- The taking of enforcement action against a failure to comply with a High Hedge Notice, and to recover costs following the taking of such action, is delegated to officers. Enforcement action follows the service of a notice and by that stage it will have been determined - by committee or officers - that the high hedge is unacceptable in the present state and action must be taken. It therefore stands to reason that enforcement action (of which there is only one option available - direct action) should be taken if a notice is not complied with and costs should normally be recovered.

3. FEES FOR APPLICATIONS

- 3.1 The Act states that Councils are to fix fees for High Hedge Notice applications in their area. There is a clear expectation from the Scottish Government that fees should both discourage submission of spurious or vexatious applications and, perhaps more importantly, cover the costs incurred by a Council in processing the application, including dealing with any appeal.
- 3.2 As a similar approach to fees is already legislated for elsewhere in the UK, an assessment of fees set by 30 Councils across England, Wales and Northern Ireland has been undertaken. This research established that:
- average fee is: £343
 - highest fee is: £720
 - lowest fee is: £70
 - most common fee is: £500
- 3.3 A benchmarking exercise also took place with other Scottish local authorities in the run-up to the commencement of the Act to establish what a reasonable fee may constitute. Many Scottish Councils would appear to be applying fees in the region of £350 and £450, with rural authorities tending to set the higher fees.
- 3.4 A small number of principally urban authorities have chosen to set fees at £192 (the current rate for a householder planning application) or thereby, however fees fixed at such a low level would be unlikely to come close to recovering the costs of processing a high hedge application in Highland.
- 3.5 Whilst fees cannot exceed the reasonable costs of determining an application, given that a right of appeal to the Scottish Ministers exists for all interested parties, it is reasonable to assume that almost every application will be the subject of an appeal; if that indeed turns out to be the case, even a fee of £450 may not achieve full cost recovery. Consideration must also be given to the large geographic nature of the Highlands, the cost to the Council of making site visits (more than one is likely per application) and the need for a number of officers to be involved in every application (including planners, enforcement officers, conservation and forestry officers).
- 3.6 In light of the above, interim fees were set at £450 by the Director of Development & Infrastructure in early April 2014. It is recommended that fees now be fixed by the PDI Committee at the same level. While this figure is unlikely to achieve fully cost recovery in complex cases or those requiring a lot of travelling, it is likely to recover most costs in simpler cases. It is not currently recommended to set a higher fee.
- 3.7 While the Act also provides for different fees for different circumstances, a single fee is proposed. This removes the need to, and cost of, administering a range of fees. Some Councils in England and Wales set slightly lower fees for those on benefits or low income, but many do not. Introducing such a scheme may lead to the Council effectively subsidising a process that was intended to be cost-neutral and, from a process point of view, it is uncertain how claims for discounts could be vetted and verified in practice or how much of a cost or administrative burden a

verification process would itself place on the Service.

- 3.8 A refund framework is included within Appendix C. This is limited to a small number of scenarios, albeit broader than those available under the centrally-set planning fees. The general principles are that where no assessment has been carried out, a full refund will be issued. Where an initial assessment has been carried out or the application has been dismissed by the Council under Section 5 of the Act, a 50% refund will be processed. In all other circumstances, there will be no refund. Where an application is refused, there is a right of appeal to Scottish Ministers.
- 3.9 It is proposed to closely monitor the application fee framework and review after a period, taking into consideration any views lodged with the Council during that time. Fees will also be reviewed periodically in light of inflation or other fiscal considerations.

Supplementary Fees

- 3.10 In certain circumstances, specialist surveys made be required as part of the appraisal of an application for a high hedge notice. Normally, such surveys relate to protected or European protected species (EPS), but may on occasion relate to the historic environment or natural heritage matters.
- 3.11 In the case of a planning application, such surveys are always provided and funded by the applicant. Accordingly, it is proposed that should such a survey(s) be required in relation to a high hedge application, an additional payment is sought from the applicant in order for the Council to commission the necessary work, or the applicant is offered the opportunity to commission a survey themselves.
- 3.12 Failure of an applicant to pay the survey fee or commission their own survey would result in the application being sisted until such time as payment is made or a survey submitted. In the case of EPS, the Council could not approve an application without a survey having been carried out.

4. HIGHLAND COUNCIL GUIDANCE

- 4.1 Whilst the Scottish Government has produced its own guidance on high hedge applications, the Act also includes provision under Section 31 for local authorities to adopt their own statutory guidance which must be considered by applicants and is a material consideration for decision-makers.
- 4.2 The government's guidance is comprehensive in parts; however leaves some areas for local authorities to lead on. Accordingly, a short guidance document for use in Highland has been prepared. The document builds and draws upon the national guidance, explains the high hedge process in Highland (including how to apply and fees) and provides more detail on the 'pre-application requirements' which must be met by an applicant before their application can be considered by the Council, including:
- At least two separate pieces of correspondence with the hedge owner;
 - The use of mediation (where available/affordable); and
 - A 'final warning' to the hedge owner, issued 14 days before a formal application is lodged.

- 4.3 It is proposed to review the Council's guidance once the new processes have had time to bed in, to ensure that it remains current, covers the necessary topics and is as helpful as possible to customers. Consideration will also be given to more comprehensive guidance on the application of the Act to deciduous trees, trees in areas of historic significance and advice on the type of issues that may be considered an impact on amenity. Any changes to the guidance following review will be reported to PDI Committee for formal approval.

RECOMMENDATION

The Committee is asked to:

- note the general information in this report and the background to the High Hedges (Scotland) Act 2013 contained within Appendix A;
- agree the guidance included in Appendix B as statutory guidance under Section 31 of the High Hedges (Scotland) Act 2013;
- agree the fees and fee refund scenarios included Appendix C under Section 4 of the High Hedges (Scotland) Act 2013; and
- agree that both the guidance and fees/refund scenarios will be reviewed in due course after a bedding-in period and a further report presented to Committee should any revisions be considered necessary.

Designation: Director of Development & Infrastructure

Author: David Baldwin

Designation: Principal Planner

Date: 25 April 2014

APPENDIX A - BACKGROUND TO THE HIGH HEDGES (SCOTLAND) ACT

- 1.1 The High Hedges (Scotland) Bill was passed by the Scottish Parliament on 28 March 2013 and received Royal Assent on 2 May 2013. The High Hedges (Scotland) Act 2013 ("the Act"), the legislation, introduces new powers for Councils in Scotland to take action against high hedges which form a barrier to light and, in doing so, adversely affect the enjoyment of an adjacent domestic property which an occupant of such a property could reasonably expect to have.
- 1.2 The meaning of a 'high hedge' is covered by Section 1 of the Act and is relatively broad, but there are some limitations. A hedge is considered to be a 'high hedge' for the purposes of the Act only if:
- it comprises two or more trees or shrubs (deciduous or evergreen); and
 - it rises to a height of 2m or more above ground level (excluding roots); and
 - it forms a barrier to light.
- If a hedge does not accord with this definition, even if it appears to be physically high, or is not high but nonetheless blocks light, the Council has no power to act.
- 1.3 The Scottish Government has made it clear that the powers available to the Council are only to be considered as a last resort and the Act requires that the party affected by a high hedge must have taken all reasonable steps themselves to remedy the matter before making an application for a High Hedge Notice (known as "pre-application requirements").
- 1.4 An application for a High Hedge Notice may only be made by the owner or occupant of a domestic property that is affected by a hedge meeting the definition of a 'high hedge' under the Act. The application must be accompanied by an application fee. Unlike planning fees, which are set by central government, high hedge fees are fixed by Councils under Section 4 of the Act. The fee in Highland is outlined in Appendix C. The Government has advised that fees should both recover the costs of assessing an application and prevent the submission of frivolous or vexatious applications.
- 1.5 The Council is legally obliged to dismiss an application outright where an applicant has not complied with the pre-application requirements. It is the responsibility of the party seeking a High Hedge Notice to ensure that all pre-application requirements have been met before an application is made.
- 1.6 Once an application for a High Hedge Notice has been lodged (along with the necessary fee) and accepted by the Council, a decision must be made after the expiration of a 28 day period. During this period interested parties will be notified, along with the National Park Authority if the hedge lies within its boundary. Unlike applications under the Planning Acts, there is no statutory mechanism for wider notification or for parties without an interest in the domestic property or hedge to make representations.
- 1.7 In reaching a decision, the Council must consider the following:
- whether the height of the high hedge adversely affects the enjoyment of the domestic property which an occupant of that property could reasonably expect to have;
 - the effect of the high hedge on the amenity of the area;
 - whether the high hedge is of cultural or historical significance; and

- any comments received by the Council during the 28 day period.
- 1.8 If the Council decides that a High Hedge Notice should be served, it must serve notice as soon as possible and notify all interested parties. If a notice is not considered necessary, reasons must be given and, again, all parties notified.
- 1.9 A person upon whom a High Hedge Notice is served has a right of appeal to Scottish Ministers against the notice. Similarly, where a notice is not served, the applicant may appeal to Scottish Ministers. The applicant may also appeal if they do not agree with the requirements of a High Hedge Notice. Anyone with an interest in the land where the hedge is located may also appeal.
- 1.10 Where a High Hedge Notice is served and is not appealed or an appeal against its service is not successful, the owner of the hedge must carry out the steps required by the notice within a set period of time (to be specified in the notice). If the owner fails to take the required steps, the Council may enter the land and carry out the work (known as "enforcement action"). This is the only recourse for dealing with non-compliance with a High Hedge Notice.
- 1.11 Where a Council takes enforcement action, they may recover costs from the owner of the hedge. The Council may register a 'notice of liability for expenses' with the Land Register of Scotland or General Register of Sasines (as appropriate) which would ensure that the attention of prospective purchasers of the land was brought to the outstanding costs liability. Future owners would also be liable for payment of costs, although sale does not discharge the liability of the original owner of the land to pay costs.
- 1.12 In order to support the introduction of the Act, the Scottish Government has produced its own guidance. This has statutory weight and must be considered both by applicants and the Council when determining whether or not to serve a High Hedge Notice. The guidance provides examples to aid interpretation of the definition of a 'high hedge', guidance on what may or may not constitute a 'barrier to light' and clarification as to what reasonable pre-application steps should have been undertaken by applicants.
- 1.13 The Council also has power under the Act to produce and adopt its own guidance. Such guidance may be required in order to take account of local issues and to provide specific guidance on pre-application requirements. Guidance has been drafted by officers and is attached to this report (Appendix B) for formal adoption.



HIGH HEDGE NOTICE APPLICATION PRE-APPLICATION ADVICE

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Introduction

The High Hedges (Scotland) Act 2013, which came into force on 1 April 2014, provides a means of resolving high hedge disputes. However, it is intended to be a last resort for the minority of cases where such disputes cannot be resolved the parties themselves.

The Act emphasises this by requiring that potential applicants “must take all reasonable steps to resolve the matters in relation to the high hedge” before making an application for a high hedge notice. These steps are known as 'pre-application requirements' and if they are not carried out by an applicant, their application will be dismissed¹.

Local authorities are able to issue their own guidance on pre-application requirements under the Act in order to guide prospective applicants and ensure that where an informal solution is possible, it can be secured. This guidance constitutes statutory guidance prepared and adopted by the Council under Section 31(2). It is applicable throughout the Highlands.

What must be done before making an application?

First and foremost, a potential applicant must have made every effort to resolve the issue with their neighbour themselves before an application is made.

The Act requires that any application that the Council receives where there is no evidence of this having been attempted, or where attempts have been made but fall short of what is required by guidance, must be dismissed².

The steps people should take before approaching the Council will vary from case to case depending on the circumstances. However, it is not sufficient for people to simply claim that their neighbour is unapproachable.

The Highland Council requires, as an absolute minimum, all of the following steps to be undertaken by an applicant prior to the submission of a High Hedge notice application:

- i. Contact must have been made with the owner of the hedge **on at least two separate occasions**, raising concerns about the hedge and proposing measures to mitigate any adverse effects. Contact may be verbal and/or in writing, but must be clearly evidenced, and the period between the two occasions must be sufficient for the owner to consider the points raised, respond and carry out all necessary work (if they decide to do so);

¹ Page 8, High Hedges (Scotland) Act 2013 - Guidance to Local Authorities, Scottish Government (2014)

² <http://www.legislation.gov.uk/asp/2013/6/section/5>

- ii. Where mediation services are available locally and are free of charge, **mediation must have been sought** and the results of any mediation included with the application (this may involve copies of letters, minutes or meetings or reports). Where mediation is not available in your area or a fee is charged for mediation and the fee is cost-prohibitive, a statement should be made to that effect; and
- iii. Notwithstanding any previous contact, you must send a letter to the owner of the hedge **at least 14 days before** you submit your application advising them of your intention to make an application*.

*We have provided a template for a "14-day Letter" in Appendix A for you to use if you wish, but you are free to use your own letter if you prefer. Whichever you use, you must keep a copy of the letter and submit it with your application.

Important Points to Remember:

- Depending on the time of year, it may be necessary for remedial work to wait until the next dormant season and this must be considered when setting time limits in discussion with the hedge owner.
- All information supplied in support of your application will, subject to Data Protection laws, be published on our website and copies provided to the owner(s) of the hedge.

Discussions with the owner of the hedge

Usually the first step that an applicant will make is to discuss the issue with their neighbour in an attempt to resolve the problem amicably. Clear and detailed records should be kept of all attempts to resolve the issue and should be included with an application.

An applicant may use several different methods to keep track of attempts, for example a diary of conversations held or a series of receipts of postage (the most robust method would be 'signed for' or recorded delivery). The attempts must show a reasonable effort has been made in a reasonable timescale before applying for a notice, but a set frame of what is reasonable cannot be defined.

For some people, their hedge problems will be long-standing and date back to well before the Act came into operation. During this time they may have made several attempts to settle the matter through negotiation and been repeatedly rebuffed.

Nevertheless, it is reasonable to expect that a fresh approach should be made to the owner of the hedge, now that the Act is in place, before a formal application is made to the Council. At the very least, they must send out a fresh '14-day letter' advising the hedge owner of their intention to submit an application for a High Hedge Notice.

We recommend that prospective applicants read the UK Government's 'Over the Garden Hedge' guidance which, while relating to high hedge processes and legislation in England and Wales, nonetheless contains useful advice for homeowners trying to resolve high hedge issues. This can be downloaded from our website³.

³ www.highland.gov.uk/planningenforcement

Mediation

Another potential option for resolving high hedge disputes without recourse to Council intervention is mediation. Mediation can be carried out in many different ways, from a member of the local community playing the part of the mediator to a professional mediator fulfilling the role.

The Scottish Mediation Network provides low-cost access to mediators in many parts of the country who can provide a mediation service which may help to deal with the issue. Occasionally there may be free mediation services available in some areas.

It is important to note that while the legislation does not require mediation for a case to be considered, it can be an effective way to resolve disputes and, where available locally, the Council would expect to see it having been actively considered.

If a hedge owner refuses to participate in a mediation process this refusal could be used as evidence of a reasonable attempt by the applicant to resolve the matter. The same may be true of mediation that has failed to achieve a mutually acceptable outcome.

Scottish Mediation Network - <http://www.scottishmediation.org.uk>

SACRO - <http://www.sacro.org.uk/services/mediation/community-mediation-service>

Outlining steps you've taken

If you've tried to resolve the situation yourself but your neighbour has failed to respond or has not agreed to the remedial action that you feel is necessary, and you are confident that you have complied with all pre-application requirements, you can make an application to the Council for a High Hedge Notice.

In your application you must outline the steps you've taken and the more information you're able to give the better. To assist in this process, we have provided below three examples of the type of pre-application steps we would expect to see documented.

Example 1

- 12 March 2014 - Phoned neighbour, Mr MacDonald of 12 High Street, to ask if we could discuss hedge. Met on 19 March but we couldn't agree a solution;
- 15 April - Mediators approached and visited;
- 29 April - Met neighbours Mr MacDonald and mediators. But still couldn't find an solution we were both happy with;
- 14 May - Wrote to inform Mr MacDonald would be applying to the Council for a High Hedge Notice after 14 days of the letter. Mr MacDonald acknowledged the letter, but conformed he won't undertake work I proposed.

Example 2

- 12 March 2014 - Wrote to neighbour, Mr MacDonald of 12 High Street, using recorded delivery to ask if we could discuss hedge. 2 weeks later still no reply;
- 9 April - Wrote to ask if he would speak to mediator. 2 weeks later still no reply;

- 7 May - Wrote to inform Mr MacDonald would be applying to the Council for a High Hedge Notice after 14 days of the letter. Still no reply.

Example 3

- 12 March 2014 - Saw neighbour, Mr MacDonald of 12 High Street, in their garden and asked if we could discuss hedge. Mr MacDonald came round on 19 March. Saw the effect of the hedge for himself. Sympathetic but unwilling to reduce the hedge as much as we wanted;
- Mr MacDonald willing to try mediation but discovered that neighbour mediation not available in our area. We live too far from the nearest service;
- 23 April - Saw Mr MacDonald again and told them that if we couldn't agree a solution, we would apply to the Council for a High Hedge Notice. Left it for a couple of weeks then confirmed in writing that we would be going ahead with the application after 14 days of the letter. No reply to that letter.

As well as itemising all of the steps you've carried out, you **must** include copies of all letters, correspondence, mediation reports etc. Even where you've itemised steps, applications submitted without supporting evidence of those steps may be dismissed by the Council.

Please note that it is very important that all information provided in relation to pre-application requirements that you have carried out is accurate. If you provide information that latter turns out to be false or misleading, your application may be dismissed by the Council.

What happens if my application is dismissed?

Where an application is dismissed because it fails to comply with all applicable pre-application requirements⁴, you will receive confirmation of the dismissal in writing from us.

You have no right of appeal against dismissal and proportion of the application fee will be withheld by the Council to cover the assessment of the application to that stage. Please consult our fees guidance.

If you are in any doubt as to whether or not steps you have undertaken will meet all of the pre-application requirements, please contact us before you submit an application.

How much does an application cost?

Application Fees

There is a fee for submitting an application for a High Hedge Notice. Your application will not be progressed until the fee has been paid. If the fee is not paid within 28 days, the application will be returned to you.

Application fees are fixed by the Council under Section 4 of the Act and our current scale of fees and refund scenarios are as follows:

⁴ <http://www.legislation.gov.uk/asp/2013/6/section/5>

Application Type	Fee Per Application
High Hedge Application	£450

Fee Refund Scenario	Refund Amount
Invalid application returned to applicant or application withdrawn by applicant prior to the assessment of pre-application requirements required by Section 5.	100%
Application dismissed by the Council under Section 5 for failure to comply with re-application requirements.	50%
Application withdrawn by applicant after the assessment of pre-application requirements required by Section 5.	0%

Please note that we no longer accept cheques. You can, however, pay your application fee over the phone using a credit/debit card by calling our Service Centre on 01349 886608 or at your local Service Point. You can also pay online: <http://www.highland.gov.uk/yourcouncil/finance/onlinepayments>

Important: Please ensure that you note down the payment reference and include this in Section 7 of your completed application form.

Supplementary Fees

In certain circumstances, specialist surveys made be required as part of the appraisal of an application for a high hedge notice. Normally, such surveys relate to protected or European protected species (EPS), but may on occasion relate to the historic environment or natural heritage matters.

As is the case for a planning application, such surveys must be provided and funded by the applicant. Where additional surveys are required, an applicant will be advised and they may opt to commission a survey themselves or ask the Council to commission the necessary work on their behalf.

In either case, the applicant is responsible for paying all costs associated with the survey. Where they commission a survey themselves, they must ensure that the surveyor has all necessary qualifications, licences and experience. The scope of the survey must also first be agreed by the Council.

Supplementary Fees	Amount
Specialist surveys required in the assessment of an application (e.g. European Protected Species)	At cost, payable by applicant

Where an applicant fails to pay the costs of a survey commission on their behalf by the Council, or do not commission their own survey when requested to do so, the application will be sisted until such time as payment is made or a survey carried out and submitted.

Where an application is sisted for a period exceeding 3 months with no progress being made and seasonal justification, the Council may withdraw the application and return it to the applicant. There will be no fee refund in such cases as work will have been carried out by the Council on assessment and administration.

Making an application

If you have read all of the relevant guidance, you are certain that you are eligible to apply for a High Hedge Notice, completed application forms should be sent, along all supporting information, to:

ePlanning Centre
The Highland Council
Glenurquhart Road
INVERNESS
IV3 5NX

Important: You are strongly encouraged to pay the application fee prior to submitting your application in order to avoid unnecessary delays. You can do this by calling us on 01349 886608, at a Service Point or online.

Further guidance

For further guidance or to obtain an application form, please contact us:

Web: www.highland.gov.uk/planningenforcement

Phone: 01349 886608

We would draw your attention in particular to the Scottish Government's statutory [High Hedge Guidance to Local Authorities](#) (2014), as well as the UK Government's [Over the Garden Hedge](#) guidance which, while relating to high hedge processes and legislation in England and Wales, nonetheless contains good advice for high hedge issues in Scotland. Both documents can be downloaded from our website.

Appendix A: Sample 14-Day Letter to Hedge Owner

[hedge owner]
[number & street]
[town]
[county]
[postcode]

[date]

Dear [hedge owner],

[ENTER HEDGE DESCRIPTION]

[ENTER ADDRESS]

I refer to the above high hedge located at your property. As you will recall, I have previously raised my concerns with you about the hedge and associated loss of light. I have also suggested steps which would resolve the impact of the hedge on the enjoyment of my property.

To recap, those steps are:

- [insert description of steps proposed to resolve the high edge issue]

Unfortunately, we have been unable to come to a mutually acceptable solution and, accordingly, I must advise that I now intend to apply to The Highland Council for a High Hedge Notice. I will submit my application 14 days after the date on this letter. This provides you with two weeks within which to reconsider my proposed solution, commit to undertaking the suggested steps and negate the need for an application to the Council.

Please note that should you continue to disagree with my proposed solution and the Council serves a High Hedge Notice (and any appeal you may make is dismissed), you will be legally bound to undertake the work they require of you. If you fail to comply with a High Hedge Notice, the Council can undertake the work themselves and claim back full costs from you.

Should you wish to reconsider my proposed solution, please do not hesitate to contact me on [enter phone] within 14 days of the date on this letter.

Yours sincerely,

[your name]

APPENDIX C - FEES FOR HIGH HEDGE APPLICATIONS

Application Type	Fee Per Application
High Hedge Application	£450

Fee Refund Scenario	Refund Amount
Invalid application returned to applicant <u>or</u> application withdrawn by applicant prior to the assessment of pre-application requirements required by Section 5.	100%
Application dismissed by the Council under Section 5 for failure to comply with re-application requirements.	50%
Application withdrawn by applicant after the assessment of pre-application requirements required by Section 5.	0%

Supplementary Fees	Amount
Specialist surveys required in the assessment of an application (e.g. European Protected Species)	At cost, payable by applicant