These notes have been produced to help you apply for a High Hedge Notice. If you need any more help or are unsure if your application is valid, please contact the Council’s Planning Service. Please note that this guidance should be read in conjunction with the Scottish Government’s “Guidance to Local Authorities” which is available via:-


**Before Making an Application**

You must take all reasonable steps to resolve the matter with your neighbour before you make an application for a High Hedge Notice. Angus Council expects you to have made at least two approaches within the six months immediately preceding the application. If this is a longstanding issue and you have made several unsuccessful approaches in the past, the Council expects you to make at least one fresh approach now that the legislation is in place. It is recommended that at least the most recent approach should be in writing. You should keep records of the approaches you have made and any responses received. If the land on which the hedge is situated is owned or occupied by more than one person, you must approach all of the owners / occupiers. It is not sufficient to simply claim that your neighbour is unapproachable.

**How to Make an Application**

Your application must be submitted on the Angus Council application form together with payment of a fee of £275 and a copy of a location plan at 1:500 or 1:1250 showing the extent and location of the hedge clearly outlined in red. A copy of the form and these guidance notes can be found on the [Angus Council website](#).

Please ensure that you have completed all the sections in the form and have attached all of the mandatory information. This must include evidence of the approaches you have made to your neighbour / owner of the hedge and any responses you have received but you may wish to include other information that will help the Council determine your application, such as sketches, plans and photographs. Please note that you must include evidence that you have approached all of the owners of the hedge or the occupiers of the land on which the hedge is situated. If the owner / occupier of the land is not known, you should also enclose evidence that you have taken reasonable steps to identify the owner / occupier.

**What Happens to Your Application?**

When your application is received, it is checked as follows:-

- form is completed, signed and dated;
- the fee of £275 is attached;
• a location plan at 1:500 or 1:1250 is enclosed;
• evidence of approaches to neighbour is enclosed;
• any other supporting documents are enclosed;
• you have answered yes to all of the questions in section 3 of the form.

If the form is incomplete, you have not paid the required fee or you have not included all of the mandatory documents, we will write to you. The letter will explain why the form is incomplete or what supporting information is required and the timescale in which you must respond (normally 14 days). If you do not respond within the stated time, your application and the fee payment will be returned to you.

If you have answered no to any of the questions in section 3 of the application form, your application cannot be considered as the criteria set out in the Act have not been met. In this case, your application and the fee payment will be returned to you.

If your application is complete, we will send you an acknowledgement letter saying who is dealing with your application and the process to be followed. Details of the process can be found in the “Scottish Government’s Guidance to Local Authorities”. We will also send you a receipt for your fee.

The case officer will firstly determine if your application comes within the scope of the Act, e.g. is it a high hedge as defined in Section 1 of the Act. If the Council decides that you have not met all of the criteria as defined in Section 3 of the application form the application will be returned. We will write to you giving you the reasons why your application has been returned. Please note that you have no right of appeal against this decision and your fee will not be refunded.

The case officer will also determine if you have taken all reasonable steps to resolve the situation. We may write to you at this stage seeking clarification or additional information. If the Council considers that you have not taken all reasonable steps or that the application is frivolous or vexatious, it will be dismissed. We will again write to you giving you the reasons why your application has been dismissed. Please note that you have no right of appeal against this decision and your fee will not be refunded.

If your application is considered to be valid, we will write to everyone who owns or occupies the land on which the hedge is situated inviting them to make any representations within 28 days. Please note that full details of the application will, subject to applicable Data Protection and Freedom of Information / Environmental Information requirements also be copied to them. You will be sent copies of any representations received.

The Decision

Having considered all of the information and evidence received, the Council will decide if a High Hedge Notice is justified under the terms of the Act. You will be notified in writing of the Council’s decision and the reasons for the decision. The owner/occupier(s) of the land on which the hedge is situated will also be notified. If the Council decides to issue a High Hedge Notice, a copy of the Notice will be included.
The High Hedge Notice must:-

- identify the high hedge involved and the domestic property affected by it;
- state when the Notice will come into effect (at least 28 days after the date of the Notice);
- state what initial action has to be taken and the compliance period;
- state any preventative action that needs to be taken to prevent a recurrence;
- inform the recipient of the right of appeal and the Council’s enforcement powers if the Notice is not complied with.

**Right of Appeal**

You will have a right of appeal to the Scottish Ministers if the Council decides not to issue a High Hedge Notice or if you disagree with the content of the Notice. Your right of appeal will be explained to you at the time and you are advised to refer to Section 6 of the “Guidance to Local Authorities”. The owner/occupier(s) of the land on which the hedge is situated will also have a right to appeal against the issue of a Notice or if they disagree with the content of the Notice.

You will also have a right of appeal if the Council decides to withdraw or vary the Notice.

The Government has decided that appeals will be dealt with by the Directorate for Planning and Environmental Appeals (DPEA):

DPEA
Unit 4
Callander Business Park
Falkirk
FK1 1XR

Tel: 01324 696400
Website: [www.dpea.scotland.gov.uk/](http://www.dpea.scotland.gov.uk/)

**Enforcement of a Notice**

If a High Hedge Notice is issued and you feel that the requirements of the Notice are not being complied with, you should notify the Council in writing. We will acknowledge receipt of your notification and will investigate the situation. You will be advised in writing of the outcome of the investigation in due course.

The Council can enter the land on which the hedge is situated and carry out the necessary works and recover any expenses reasonably incurred from the owner of the hedge. This would however be a last resort and other ways of achieving a satisfactory outcome will be attempted first.