

By email to doecommittee@niassembly.gov.uk by 2 July 2010

Environment Committee
Room 247
Parliament Buildings
Stormont Estate
BELFAST
BT4 3XX

Dear Sirs

Re: High Hedges Bill

Thank you for the opportunity to provide the views of Banbridge District Council to the Committee on the above matter as requested in your correspondence of 25 May.

The Council would wish to take this opportunity to comment on the provisions of the Bill as follows:-

1. Article 3 (4) and Article 9 (1)

Council would comment that having a requirement to serve a Remedial Notice on every person who is an owner or occupier of neighbouring land where the hedge in question is situated, has the potential to create enforcement problems. Identifying one responsible person on whom the Remedial Notice would be served, would make enforcement in the event of non compliance, simpler and more efficient. It is anticipated that problems would arise in determining which owner or occupier should be taken before the courts and to take "every person" (Article 9 (1)) is likely to be prove burdensome.

2. Article 9

Council would further reiterate its desire to see a fixed penalty notice option included in the Bill.

It suggests that this could be an enforcement tool used in the event of non compliance with a Remedial Notice. Given that the proposed Bill envisages every person who did not comply with a remedial notice is guilty of an offence; the fixed penalty notice option at a level of say £200 would

provide both a deterrent to non compliance and a more efficient means of dealing in the first instance with non compliance. In cases of continuing non-compliance with a Remedial notice, the Council at that stage could apply to the Courts for an Order (as set out in Article 9 (6) (b)).

3. Article 11 Action by Council

Where Council does exercise discretionary powers to deal with a high hedge, the legislation should ensure that no continuing duty is imposed on the Council eg. to periodically cut back hedge regrowth. The Council is pleased to note that where the Council acts in default, the Bill does include the provision that the Council is not liable for damage in respect to any hedge. The Council would again request that this provision is extended to the situation where work specified in a remedial notice causes, for example, a coniferous hedge to die after it has been reduced in height.

I trust the Committee will find these comments helpful in its deliberations.

Yours faithfully

Gillian Topping (Mrs)
Head of Environmental Health