

North Down Borough Council Comments

Council welcomes the introduction of a High Hedges Bill by the Department. Council does, however, have a number of specific concerns and queries regarding some of the proposals contained within the consultation document and draft Bill. These were highlighted in a report to the Councillors, which are as follows: -

- The Department will need to provide guidance to district councils in relation to those circumstances that would constitute a complainant *“taking all reasonable steps to resolve the matter complained of,”* including how a complainant would need to demonstrate this.
- Where the property is vacant and there is no traceable owner, the Council is concerned that there is an assumption by the Department that the Council would automatically act in default, without additional resources being made available to it.
- The Department needs to clarify whether or not a mediation service would be available. This is a service that the Council would call for and one that is already available in England and Wales. However it would need to be effectively resourced to ensure that it is readily available to those that need it. This is currently not always the case in England and Wales.
- Resources will be required to educate and advise the public with regard to the new legislation and on how to plant and maintain hedges in order to avoid a problem.
- Council would welcome a prescribed application form, which would clearly indicate to the complainant what information is required and would capture any previous communication and/or mediation. A standard form would also ensure consistency of approach from Councils across Northern Ireland.
- Council would welcome clarification on liability regarding hedges on land where there is no known owner.
- Council would be concerned about the potential for hedge owners cutting hedges during the bird-nesting season.
- Council would be concerned about the liability implications in the situation where it ordered a hedge owner to reduce the height of a hedge and the hedge subsequently died. It would be helpful if the legislation could limit the potential for such claims in some way, provided that the Council has acted in good faith.
- Those on lower incomes may find the cost of employing a specialist tree surgeon prohibitively expensive if a notice is served on them. Financial assistance may be necessary.
- The Department should consider allowing reduced fees for those on means tested benefit or the elderly. However Councils would need to receive financial support to cover costs.
- Council would welcome clarification in relation to Powers of Entry and the requirement to give the occupier of land 24 hours notice and would suggest that this should also apply to the owner of the land.
- Council would seek clarification on how to deal with complaints relating to land which is vacant or where there is no identifiable occupier.
- Council would welcome confirmation that the registered charge placed on a property following works in default will include the cost of registering a charge on the property.

- Council would be concerned about carrying out works in default on premises with no known owners as there would be little prospect of recovering costs. Therefore some funding may be required.

During debate on the matter, Council expressed further concern about the cost implications on the elderly and those on low incomes who wish to make a complaint. They agreed that reduced costs to complainants should apply in these instances but stressed that Councils should receive financial support for subsidising complaints of this type.