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**To: Planning and Property Policy Board**

**On: 25 August 2015**

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**Report by: Director of Development and Housing Services**

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**Heading: REVIEW OF FEES FOR APPLICATIONS SUBMITTED UNDER THE HIGH HEDGES (SCOTLAND) ACT 2013**

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**1. Summary**

1.1. This report refers to the operation of the statutory provisions of the High Hedges (Scotland) Act, 2013 and proposed increases to the charges for such applications to align cost recovery more closely with costs actually incurred in processing applications for High Hedge Notices.

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**2. Recommendations**

2.1. That the Board agree that the cost charged to applicants for making a High Hedge Application be raised from £382 to £401 to better reflect the true costs involved; and

2.2. Thereafter, that the fee should be increased in line with similar changes brought about through amendments to the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulation 2004 subject to the increase being reported to and agreed by the Board.

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**3. Background**

3.1. The High Hedges (Scotland) Act 2013 came into force on 1 April, 2014 and seeks to provide a solution to the problem of high hedges which act as a barrier to light and which interfere with the reasonable enjoyment of a domestic property and where neighbours have not been able to resolve the issue amicably; it is in effect a route of last resort.

- 3.2 The High Hedge Act does not fall within the body of legislation associated with a local authority's roles and responsibilities as a Planning Authority in terms of the Town and Country Planning (Scotland) Act 1997. However, the Council, at its meeting on 1 May, 2014, having considered a report by the Director of Finance and Corporate Services, agreed that the responsibility for operating the provisions of the High Hedges Act be delegated to the Director of Development and Housing Services and other specified officers in the Service.
- 3.3 Council also agreed that the fee for dealing with such applications should be set at a level equivalent to that for the minimum fixed fee for a 'routine' planning application as this is the figure that most closely matched the anticipated costs. This Board, at its meeting on 13 May, 2014, considered a similar report by the Director of Development and Housing Services and noted the introduction of the Act and the fee.
- 3.4 The High Hedges Act requires that each local authority set a fee for dealing with a High Hedge Notice application. Whilst there is no upper limit on the fees to be charged, these should represent the reasonable costs the local authority incurs in processing the application. The Scottish Government reviewed and increased charges for planning applications which took effect on 1 November, 2014 and these included, inter alia, increasing the minimum fee for a 'routine' planning application from £382 to £401.
- 3.5 The level of resource input required to administer the provisions of the high hedge legislation is assessed to be at least equivalent to that required to deal with certain types of planning application and the requisite fee should be linked accordingly.

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#### 4. **Conclusion**

- 4.1 It is recommended that the fee for a High Hedge Notice application be updated to £401 and that in future, this should be linked to any increase in the statutory scale of fees for planning applications to ensure that it remains reflective of the costs incurred by the Council in dealing with such matters. When increases are made to the statutory fees for planning applications, the corresponding increase for high hedge applications will be reported to the Board for approval.

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#### **Implications of the Report**

1. **Financial** – The fee should represent the reasonable costs the local authority incurs.
2. **HR & Organisational Development** – none.
3. **Community Planning** – None
4. **Legal** – none.
5. **Property/Assets** – none.

6. **Information Technology** – none.
  7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because the High Hedges legislation including the fee provisions were subject to an Equality Impact Assessment.
  8. **Health & Safety** – none.
  9. **Procurement** – none.
  10. **Risk** – none.
  11. **Privacy Impact** – none.
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### **List of Background Papers**

- (a) Background Paper 1: High Hedges (Scotland) Act 2013

The foregoing background papers will be retained within Development and Housing Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is David Bryce, Development Standards Manager, 0141 618 7892; david.bryce@renfrewshire.gov.uk

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