

*These notes refer to the High Hedges Act (Northern Ireland)
2011 (c.21) which received Royal Assent on 3 May 2011*

High Hedges Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3 - Procedure for dealing with complaints

This section sets out the procedure by which councils will process complaints. A complaint must be made to the local council whose area contains the land on which the hedge is situated. Complaints must also be accompanied by a fee if a fee has been set by the council.

A council may reject the complaint if it considers that the complainant has not taken all reasonable steps to resolve the matter without involving it, or if it considers that the complaint is frivolous or vexatious. If the council decides, on this basis, not to proceed with the complaint, it must inform the complainant as soon as is reasonably practicable and must explain the reasons for its decision.

Where the council proceeds with the complaint, it must decide in the first place whether the height of the high hedge is adversely affecting the complainant's reasonable enjoyment of their property. If so, the council must then consider what, if any, action is required to be taken in relation to the hedge in order to remedy the adverse effect and to prevent it recurring.

The council must, as soon as is reasonably practicable, inform the parties of its decision and the reasons for it. If the council decides that action should be taken, it must also issue a remedial notice.