

New law protecting Guernsey residents from neighbours' overgrown hedges to come into force

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The new High Hedges (Guernsey) Law enabling islanders to make a complaint to the Environment Department when a neighbouring hedge causes loss of light to their property is expected to come into force on Monday 2 October 2017.

The new formal complaint procedure is intended as a last resort, and complainants must show evidence that they have approached their neighbour – either in person or in writing – to resolve the issue before making a complaint.

The complainant must also ensure that the hedge meets certain criteria, namely that the hedge or tree in question is formed wholly or predominantly by one or more evergreen or semi-evergreen trees or shrubs, is over two metres high, and forms a barrier to light that adversely affects the complainant's reasonable enjoyment of their home or garden.

The cost of making a complaint is £350, however there is a provision for two or more neighbours to make a complaint each in relation to the same high hedge at a reduced fee.

In each case, the Environment Department, or an authorised person on its behalf, will inspect the hedge or tree to determine whether the height of the hedge is impeding the complainant's reasonable enjoyment of their property as a result of the hedge's effect on natural light.

The introduction of the law in Guernsey follows similar laws being implemented in England and Wales under the High Hedges part of the Anti-Social Behaviour Act 2003, and in Jersey under the High Hedges (Jersey) Law 2008. The formal consultation on the proposals in early 2015 showed popular support in Guernsey for the proposed legislation.

Advocate and Partner Martyn Baudains, who is head of Ogier's property team in Guernsey, said:

"This new legislation will be welcomed by those affected by high hedges. Up to now we have had

no satisfactory process to resolve disputes which, in some cases, have ended in bad feeling, threats and even violence. A law that helps prevent this sort of escalation and encourages neighbours to come to an agreement between themselves has to be a positive development.

"In other jurisdictions where similar laws have been introduced, the simple fact of having specific legislation in place has encouraged agreement between neighbours without the need of formal intervention. We expect Guernsey will be no different, and will be able to advise property owners on the law in this area should they require further guidance."

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