

## Hedging your bets: Jersey's High Hedges Law

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The UK Government neighbourhood and community survey 2020/21 indicates that 83% of the population get along well with their neighbours, a statistic which we hope is even higher in Jersey. It's fair to say though that even in the most tightknit of communities, living alongside others isn't always easy and when someone's behaviour or property has a negative impact on our own quality of life, then "differences of opinion" will emerge.

When we think of "nightmare neighbours" we might automatically think of noise complaints or boundary disputes but there is another problem which can, ironically, be overlooked - the nuisance of high hedges.

Hedges are an important part of the environment and are planted for a variety of reasons; they can encourage wildlife, form an attractive boundary around your property and provide shelter from wind.

Growing the wrong type of hedge over a certain height in a residential neighbourhood can cause real suffering though, including the loss of sunlight to neighbouring properties.

The High Hedges (Jersey) Law 2008 assists residential neighbours to resolve disputes relating to high hedges where they have failed to reach an agreement between themselves. The law does not make it a criminal offence to grow a high hedge, although failure to comply with an order made under the law can be a criminal offence.

The owner or occupier of a residential property can refer a complaint about a high hedge growing on a neighbouring property to the Minister for Planning and Environment (accompanied by a £350 fee). The minister may reject a complaint if the neighbours have not taken all reasonable steps to resolve the issue between them.

### | What constitutes a high hedge?

The hedge must be formed wholly or predominantly of a line of two or more evergreens and be

in excess of two metres above ground level. "Evergreen" under the law means an evergreen tree or shrub or a semi-evergreen tree or shrub.

## What is the nuisance?

The hedge must constitute a barrier to light, it will not be taken as constituting a barrier to light if there are significant gaps at heights of more than two metres above ground level.

## What will the minister take into consideration?

- communication to resolve the complaint
- whether the hedge existed at the time when the complainant acquired an interest in the property, and if so the height of the hedge
- whether the hedge adds to the privacy and enjoyment of neighbouring land or contributes to the amenity of the neighbourhood
- whether the hedge could be reduced, while keeping reasonable protection to the interests of neighbouring land; and
- any legal obligations relating to the hedge

## Remedy

If the minister decides that the complaint is justified they will issue a remedial notice specifying:

- a. what must be done to the hedge
- b. any conditions subject to which it must be done (for example, should the hedge owner wait until after nesting season)
- c. the time within which it must be done
- d. anything which must be done; and
- e. any conditions to which it is subject, after that period to prevent a recurrence of the adverse effect

A remedial notice must not require a hedge to be removed or reduced to a height of less than two metres above ground level.

The law has its limitations and there are situations which an occupier might find intolerable for which the law provides no remedy. Where a high hedge is causing a real loss of enjoyment, the law provides a comparatively cost-effective remedy when all other avenues to reach an agreement with your neighbour have been exhausted.

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