

STATES OF JERSEY

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DRAFT HIGH HEDGES (JERSEY) LAW 200- (P.51/2007): AMENDMENTS (P.51/2007 AMD.)– AMENDMENT

Lodged au Greffe on 9th August 2007
by Deputy G.C.L. Baudains of St. Clement

STATES GREFFE

DRAFT HIGH HEDGES (JERSEY) LAW 200- (P.51/2007): AMENDMENTS (P.51/2007 AMD.)–
AMENDMENT

For the proposed Article 7(4)(a), substitute the following subparagraph –

- “(a) in the case of a hedge that existed before residential development was carried out on the land of the complainant, the hedge to be removed or to be reduced to a height of –
 - (i) where the hedge was higher than 4 metres above ground level at the time the development was carried out – less than 4 metres above ground level, or
 - (ii) in any other case – the height it was at the time the development was carried out or 2 metres above ground level, whichever is the higher, or”.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

REPORT

At first glance, reading of Deputy Maclean's amendment appears to offer advantages over the proposition. However, closer examination shows that there may be unintended consequences. For instance, whilst it addresses a general issue which has troubled me for some time – namely that a neighbour can move in and demand all sorts of changes despite being fully aware of the issue which troubles him before moving in – nevertheless, as worded, the Deputy's amendment, in my view, misses a vital point.

For example, a hedge of 6 feet in height may be present on an existing property. The landowner next door may decide to build, fully aware and making allowances for, the 6 foot hedge.

Under Deputy Maclean's amendment, there would be nothing to stop the first landowner from now letting his hedge grow to 4 metres (13 feet). That doubling of height may well produce exactly the sort of conditions the main proposition attempts to deal with.

My amendment to the amendment hopefully deals with this anomaly.

There are, in my view, no manpower or financial effects arising from this amendment.