

**5.8 The Deputy of St. Martin of the Minister for Planning and Environment regarding complaints in relation to the High Hedges Law.**

Will the Minister inform Members how many complaints have been received and investigated in relation to the High Hedges Law and is there any evidence that the investigation fee of over £450 serves as a deterrent and a denial of justice to those residents who cannot afford this sum?

**The Bailiff:**

I understand the Assistant Minister will be responding to this one.

**The Deputy of St. Peter (The Assistant Minister for Planning and Environment - rapporteur):**

Since 1st January 2008 the department has received 17 applications to examine high hedges. The application fee was set at £450 to contribute to the department's costs in processing the application, including commissioning an independent report from a chartered surveyor to make an assessment of the hedge. Any fee charged has the potential to be a deterrent to individuals wishing to submit a high hedge complaint. However, I recognise that it should not be of such a level as to actively discourage applications with merit. Given that there have now been a number of these applications I have instructed a review of the process and the fee to ascertain whether there would be a change to make the system more accessible and I would invite the Deputy, should he so wish, to contribute to that review.

**5.8.1 The Deputy of St. Martin:**

The law allows for a fund to be refunded. Can the Assistant Minister inform Members whether in fact any of those fees have been refunded following an investigation?

**The Deputy of St. Peter:**

I do not know the exact details of any fees paid over the period since 2008. I will certainly look into those figures and pass them on to the Deputy if he so wishes, but certainly within the review we will be looking at the whole way this particular system is managed.

**5.8.2 Deputy R.G. Le Hérissier:**

The Assistant Minister mentioned the use, for example, of a chartered surveyor. Would he not accept that some investigations are more complex than others? Is one of the principles he will review whether the fee should vary in the light of the investigation, some of which will be very straightforward?

**The Deputy of St. Peter:**

Yes.

**5.8.3 Senator S.C. Ferguson:**

Does the Assistant Minister not think that for his department to issue an environmental dictate that all Les Landes hedges should not be higher than 6 foot unless specific planning permission has been obtained would simplify the system considerably and cause a lot less work?

**The Deputy of St. Peter:**

I am all for simplifying systems and, as I said, a review will be taking place to look at all aspects of this and if it comes out that that is one way forward, a nice simple way, I am sure that will be looked at sensibly.

[10:45]

**5.8.4 The Deputy of St. Martin:**

Would the Minister agree that the principle of charging for an investigation does not seem to be right? Would the Minister, for instance, accept that if one had their car stolen they went to the police station and said: "I have had my car stolen" and then the police officer will say: "Well, yes, for your car to be stolen for me to investigate that is going to cost £150." Does he see the fact that the High Hedges Law has introduced a fee for investigation that could also be increased right across the board for any investigation of any form of misdemeanour?

**The Deputy of St. Peter:**

I think that was implicit in the answer that I gave in that we do recognise that there could be a possible deterrent for people to apply because of a fee, and that is why I have asked for the review.