

Guidance notes for completing the complaint form: tree(s) or high hedges

General notes

These guidance notes are to help you fill in the form to make a complaint about a neighbouring high hedge or tree(s) - single trees are covered under the legislation. You should also read the leaflet 'High hedges: making a complaint'.

Consideration of your complaint will be delayed if you do not complete the form properly or do not provide the information requested.

If you are still unsure how to answer any of the questions, please contact the Department of Infrastructure (685890) or your local authority.

1. Attempts to resolve the complaint

Please keep the descriptions brief but say how you made the approach (e.g. face to face, phone, letter) and what the result was.

Example 1

- 12 March 2005 - phoned to ask if we could discuss hedge. Met on 19 March but we couldn't agree a solution;
- 15 April - mediator visited;
- 29 April - met neighbours and mediator. But still couldn't find an answer we were both happy with;
- 14 May - wrote to inform neighbour would be complaining to Department / Local Authority.

Example 2

- 12 March 2005 - wrote to ask if we could discuss hedge. 2 weeks later still no reply;
- 9 April - wrote to ask if would speak to mediator. 2 weeks later still no reply;
- 7 May - wrote to inform neighbour would be complaining to Department / Local Authority.

Example 3

- 12 March 2005 - saw neighbour in their garden and asked if we could discuss hedge. Neighbour came round on 19 March. Saw the effect of the hedge for themselves. Sympathetic but unwilling to reduce the hedge as much as we wanted;
- neighbours unwilling to try mediation ;
- 23 April - saw neighbour again and told them that, if we couldn't agree a solution, we would make a formal complaint to Department / Local Authority. Left it for a couple of weeks then confirmed in writing that we would be going ahead with the complaint.

It is not necessary to send copies of all correspondence with your neighbour about the hedge - especially if the dispute is a long-running one. You need only provide evidence of your latest attempts to settle it.

2. Criteria for making a complaint

Who can complain

You must be the owner **or** occupier of the property affected by a tree(s) or high hedge in order to make a formal complaint to the Department or your Local Authority.

If you do not own the property (e.g. because you are a tenant or a leaseholder), you can still make a complaint. But you should let the owner (e.g. landlord or management company) know what you are doing.

The property does not have to be wholly residential but must include some living accommodation otherwise we cannot consider the complaint.

3. Grounds of complaint

It will help if you provide as much information as you can but keep it factual. Remember that a copy of this form will be sent to the person who owns the site where the hedge is growing, and to the person living there if they are different people.

Concentrate on the hedge / tree(s) and the disadvantages you actually experience because it is too tall.

We cannot consider problems that are not connected with the height of the tree(s) / hedge. For example, if the roots of the hedge are pushing up a path.

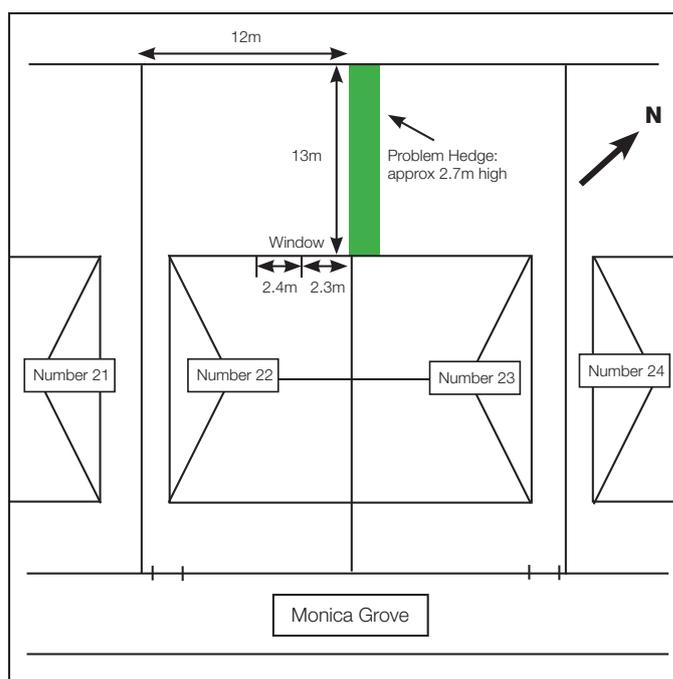
Nor can we consider things that are not directly about the hedge in question. E.g. that other people keep their hedges trimmed to a lower height; or that the worry is making you ill.

Please also provide a photo of the tree(s) / hedge and a plan showing the location of the hedge and surrounding properties.

When drawing your plan, please look at the example on the next page and make sure that you:

- Mark and name surrounding roads.
- Sketch in buildings, including adjoining properties. Add house numbers or names.
- Mark clearly the position of the tree(s) / hedge and how far it extends.
- Mark which way north is.

Please include copies of any professional reports that you may have had prepared. If you are complaining about the tree(s) or hedge blocking light, please mark which way is north on your plan and provide relevant measurements (e.g. size of garden, distance between the tree(s) or hedge and any windows affected). All measurements must be in metres (m).



Plan showing the location of the hedge and surrounding properties

4. Previous complaints to the Department or Local Authority

We only need to know about formal complaints made under the Trees and High Hedges Act 2005. You don't need to tell us about telephone calls or other informal contact with the Department or local authority about your hedge problems.

5. Who's who/The parties

We need all these names and addresses because there are some documents that we are required, by law, to send to the owner and occupier of the land on which the hedge grows. These include our decision on the complaint.

Even if someone else is submitting the complaint on your behalf, it is important that we have the complainant's contact details.

Tick the 'yes' box if you prefer to be contacted by e-mail. We will not send documents to you electronically unless you agree.

We need this information because we will have to get in touch with this person to arrange to visit the property so that we can see for ourselves the effect of the hedge.

Complete this section if you are a professional adviser, relative, friend or other representative.

This person will be our main contact on all matters relating to this complaint. We will direct all queries and correspondence to them. Please bear this in mind.

If you tick the 'yes' box, we will conduct all business relating to this complaint by e-mail. But we will not send documents to you electronically unless you agree.

This will normally be the person you have talked to when you tried to agree a solution to your hedge problems.

If the site where the hedge is growing does not have a postal address, use the box to describe as clearly as possible where it is, eg 'Land to rear of 12 to 18 High Street' or 'Park adjoining Main Road'.

We need this information because we will have to contact these people for their comments, and may arrange to visit the site where the hedge is growing.

If you are in any doubt about who owns the property where the hedge is situated, you can check with the Registries Division of the General Registry, Registries Building, Deemsters Walk, Douglas, IM1 3AR.

6. Supporting documents

Please make sure you have ticked all the relevant boxes.

If you have ticked the last box, please list these documents by date and title (e.g. January 2005 - surveyor's report). This will help us to check that we have got everything.

If you are submitting this form by email but will be posting supporting documents to us separately, put a reference number or title on them (e.g. hedge complaint, 12 Parliament Street) so that we can match them up with your complaint.

7. Sending the complaint

You should send the completed complaint form to either the Department or your local authority together with a cheque made payable to "the Isle of Man Government" or to the relevant local authority where the local authority will be dealing with the complaint (with "High Hedge" on the back of the cheque).