

15th November 2021

Connétable Michael Jackson
Chairman, Environment, Housing & Infrastructure Scrutiny Panel
Scrutiny Office, States Greffe
Morier House
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Dear Connétable

Thank you for asking us to comment on P76/2021, the draft Panning and Building (Amendment No8) (Jersey) Law 202-.

We were very disappointed that your attempt to reference back was defeated. The purpose of the reference back is to obtain more knowledge and we find the complete lack of detail in the enabling law makes it hard to comment on. The worry is, of course, that some of the important detail may be implemented by Ministerial Order and not be subject to scrutiny by yourselves or the States Assembly as a whole.

With regard to the change in legislation regarding trees, our concerns were raised by the preamble to the law which mentions the pruning lopping and felling of trees. We would hope that even at this early stage, you would persuade the Minister to accept that exemptions to the law are paramount. For example, the pruning of vines or other fruit trees. Also that exemptions are made regarding the lopping of branches for the branchage and the lopping of branches around field margins. This is the sort of activity that we would regard as common agricultural practice using correct traditional management techniques and it should be allowed to continue without cumbersome bureaucracy. Work has begun on a tree strategy and we believe it is regrettable that this law did not wait for the conclusion of that work.

It seems that the law is predominantly aimed at the developers who, in the past, have removed trees before any planning restrictions are imposed. The agricultural industry's record over the past 30 years in replanting trees and hedgerows has been impressive to say the least and it would be regrettable if over-legislation of our industry in this area meant there was a reluctance to plant more in the future. Sometimes the law of unintended consequence is the worse of two evils.

The other issue is the introduction of conservation areas. There must be no significant loss of land to our industry. Again, the emphasis here seems to be more on sites of historical or archaeological significance so small adjustments to agricultural practice may be necessary and can be managed. What we do not want to see are large areas of land removed from food production.

I would be happy to elaborate further on any of the issues mentioned above.

Yours sincerely



Peter Le Maistre
President