

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY R.J. WARD OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 25th FEBRUARY 2020**

Question

Will the Minister advise –

- (a) what protections are in place for mature trees, particularly in St Helier, during housing developments; and
- (b) what actions, if any, are planned in light of the continuing development in the Island to address the protection of mature trees?

Answer

- (a) Trees can be protected under the Planning and Building (Jersey) Law where it is ‘in the interests of the amenity of Jersey’ to do so. Tree protection can be given regardless of the age of the tree or the parish in which it is situated. According to the law, a tree means:
 - (a) a single tree of whatever age, genus, species, cultivar or variety;
 - (b) a group of trees;
 - (c) a shrub;
 - (d) a bush;
 - (e) a hedge.

The current List of Protected Trees can be found on the [gov.je](https://www.gov.je/citizen/Planning/Pages/ProtectedTrees.aspx) website at <https://www.gov.je/citizen/Planning/Pages/ProtectedTrees.aspx>.

It is also possible to attach a condition to the grant of planning permission, under Article 23 of the law specifically, at (f) for ‘the preservation and planting of vegetation on the land’.

Regardless of the type of development, preservation and planting of trees in connection with planning permission (Article 62) states that those who grant planning permission ‘shall ensure, whenever appropriate, that adequate provision is made for the preservation and planting of trees...’

The protection of a tree or trees using the provisions set out above is not absolute, but simply means that any proposal to undertake works to or remove any such tree requires permission to do so. The general removal of trees, unless they are on the List of Protected Trees; are the subject of a planning condition; or form part of a hedgerow or banque defining a boundary of land or any part of it, does not currently require permission.

- (b) I have approved law drafting instructions to amend the Planning and Building (Jersey) Law to provide greater protection for trees. The proposed amendment of the law will be the subject of consultation.

Additionally, following the approval of the government plan, funds have been allocated to help deliver better tree protection. This will, in the first instance, enable the department to scope what a new regulatory regime will be and to provide some interim resource for regulation.