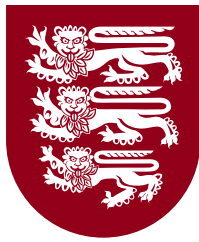


STATES OF JERSEY



Jersey

DRAFT PLANNING AND BUILDING (COMMENCEMENT OF No. 8 AMENDMENT LAW) (JERSEY) ACT 202-

**Lodged au Greffe on 19th September 2023
by the Minister for the Environment
Earliest date for debate: 17th October 2023**

STATES GREFFE

Report

Introduction

The Commencement Act, if adopted, brings into force on the 24th October 2023, the [Planning and Building \(Amendment No. 8\) \(Jersey\) Law 2022](#). The Amendment No. 8 Law will better protect trees by bringing works to them under the definition of “development” within Jersey’s [Planning and Building \(Jersey\) Law 2002](#).

Detail

The Amendment No. 8 Law will bring works to trees under the definition of “development” within Jersey’s Planning and Building Law unless they are considered ‘routine management’ or allowed under a set of other clear exceptions.

If the Commencement Act is adopted and based on the recent consultation, Orders will be made by the Minister which will include:

- Exception of certain categories of works to or on trees, including a size limit of 25cm diameter at 1.5m above the ground under which works to or on trees are not classed as development; allowing works to trees that are required under other laws; allowing works to or on domestic and commercial fruit trees; and allowing works of ‘routine management’ as specified in accompanying guidance to be published by the Minister.
- Provision for a simple notification system so that the Chief Officer may determine on a case-by-case basis whether an application for planning permission is required.
- Provision for works carried out under approved woodland management plans to be considered permitted development.
- Specification of the fees and charges for applications for planning permission for works to or on trees.

‘Routine management’ will be described in separate guidance to be published alongside the new Orders and will not require consent from Planning to proceed. This guidance will follow best practice for tree management in the UK and will allow as routine management, for example:

- Crown thinning that removes up to (but not more than) 30% of a tree’s crown.
- Crown lifting provided that the remaining crown makes up at least two thirds of the height of the tree.
- Re-pollarding of trees that have been pollarded historically.
- Cutting, trimming and shaping of hedgerows.

Work on diseased trees, those that pose a danger to the public, or are damaging buildings, are among a series of exemptions and do not require permission. Dead branches can still be removed from trees. Works on trees that are specifically required under other laws – including branchage – are also exempt.

To simplify the application process, an online notification system has been developed which will allow people to notify Planning of the intended works and to receive a determination as to whether they can continue with “deemed consent”, or whether a full application is required.

Woodland Management Plans (WMP), as referenced to in the legislation, are guidelines and policies that are currently being developed for landowners with larger areas of wood. Works within approved WMP will be considered permitted development and therefore will not require a notification to be submitted prior to activity.

Financial and staffing implications

There are no new financial and/or staffing implications for the States arising from the adoption of this Act.

EXPLANATORY NOTE

This Act, if passed, will bring Article 4(2) of the Planning and Building (Amendment No. 8) (Jersey) Law 2022 (the “amendment No. 8 Law”) into force on 24th October 2023.

Article 4(2) of the amendment No. 8 Law amends Article 5(2) of the Planning and Building (Jersey) Law 2002 so that operations to or involving trees are included in the meaning of “develop” in respect of land.



Jersey

DRAFT PLANNING AND BUILDING (COMMENCEMENT OF No. 8 AMENDMENT LAW) (JERSEY) ACT 202-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES make this Act under Article 24(b) of the [Planning and Building \(Amendment No. 8\) \(Jersey\) Law 2022](#) –

1 Commencement of Article 4(2) of Planning and Building (Amendment No. 8) (Jersey) Law 2022

Article 4(2) of the [Planning and Building \(Amendment No. 8\) \(Jersey\) Law 2022](#) comes into force on 24th October 2023.

2 Citation

This Act may be cited as the Planning and Building (Commencement of No. 8 Amendment Law) (Jersey) Act 202-.