

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY THE CONNÉTABLE OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 10th DECEMBER 2019**

Question

Will the Minister advise –

- (a) what controls, if any, there are in law or policy to manage and maintain tree numbers in the Island; and
- (b) whether his department will undertake a tree survey in the Island?

Answer

- a) Control in law is set out in the Planning and Building (Jersey) Law 2002 at Part 2 – Protection of trees, which enables the Chief Officer, as defined by that law, to protect trees which, in the interest of the amenity of Jersey, should not be cut down, lopped, or otherwise altered or harmed without the Chief Officer’s permission (see Article 58).

Article 19(4)(b) enables planning permission to be granted, subject to conditions which must be specified in the grant of permission: such conditions can be used to protect trees.

It is also relevant to note that the meaning of ‘develop’, in respect of land, as defined in the law (at Article 5(2)) includes, at (d), ‘to remove a hedgerow or banque or other physical feature defining a boundary of the land or of any part of it’. The regulation of this activity may also, therefore, serve to protect trees.

The Revised 2011 Island Plan, approved by the States in July 2014, provides the policy regime for the protection of trees at Policy NE4: Trees, woodland and boundary features

Policy NE 4

Trees, woodland and boundary features

Trees, woodlands and boundary features - walls, fosses, banques and hedgerows - which are of landscape, townscape, amenity, biodiversity or historical value, will be protected by:

1. refusing development proposals which will result in their loss or damage; and
2. requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and
3. adding individual trees and groups of trees which make an important contribution to the landscape, townscape or local amenity value of a site or area to the List of Protected Trees.

Development proposals which do not adequately make provision for the appropriate landscaping of a site - including the retention of existing trees and hedgerows, as appropriate, and the provision of new planting with species which will be of benefit to the Island's biodiversity - will not be approved.

Where new landscaping is not or cannot be provided as an integral element of a development scheme, or where existing trees or hedgerows are to be lost as a result of development and not adequately replaced, the Minister may require landscaping schemes to be carried out in connection with unrelated land or require financial contributions to the Ecology Trust Fund or Countryside Renewal Scheme, through the use of planning obligations.

Applications for proposals affecting trees, hedgerows and woodlands which do not provide sufficient information to enable the likely impact of proposals to be considered, understood and evaluated will not be permitted.

This policy is a material consideration where planning applications affect trees.

- b) Work, under the auspices of the previous Council of Ministers' Strategic Priority to regenerate St Helier, has been carried out by Jersey Trees for Life in partnership with Government of Jersey departments to survey trees in the public domain (streets, squares, parks and other land in public ownership) within the St Helier Ring Road.

I proposed that early in the new year we amend the Planning and Building Law to explicitly include trees within the definition of development. If this is approved, then it will open to the Minister to provide appropriate exemption in a General Development Order.

The Government Plan includes additional resources to ensure better protection of trees, particularly those in the urban area where they provide important wildlife reserves as well as contributing to the quality of the built area.

This will include tree survey work.