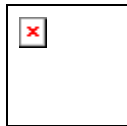


PROJET DE LOI (200-) (AMENDEMENT) SUR LA VOIRIE (P.90/2001): RAPPORT

**Présenté aux Etats le 6 novembre 2001
par le Comité de l'Aménagement et de l'Environnement**



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REPORT

Introduction

Deputy Baudains' proposals have been the subject of discussion involving the Public Services and Planning and Environment Committees for some time.

The Public Services Committee (Act of 26th June 2000) has previously supported an amendment to the Loi (1914) sur la Voirie to permit an earlier branchage to occur. This decision accepted the arguments of Deputy G.C.L. Baudains that difficulties for pedestrians and drivers were caused by overhanging growth of vegetation across many footpaths, narrow roads and lanes.

These arguments were previously considered in 1998 by the Comité des Connétables. Extensive consultation took place where the arguments for and against were heard, and the conclusions reached are set out fully in the Appendix to this report.

This issue was reconsidered by the Planning and Environment Committee in August 2001 who decided to oppose the amendment as the arguments were unchanged.

The present situation

The Comité des Connétables also reconsidered the issues again in July of this year, and the Secretary of the Comité confirms that the opinion of the Connétables against the amendment remains the same. They pointed out that bringing forward the date of the branchage would require alterations to the date of the Visites du Branchage, otherwise landowners could maintain that they carried out the early branchage but the vegetation had re-grown before the Visite took place. The amendment also fails because it omits to mention the need for alterations to the second paragraph of Article 41, which provides for fixing the dates of the "Visites du Branchage".

From the natural history viewpoint, the issue of the timing of the branchage primarily concerns the effects on the roadside flora and erosion of banks.

The opinion of the States Environmental Advisor is also incorrectly quoted in the Deputy's report. A letter to Deputy G.C.L. Baudains from the Environmental Advisor makes no reference to changing climatic conditions nor to the effects of this on nesting birds.

The present branchage does adversely affect a small number of nesting birds, but this is not considered at present to be a significant problem. It is the *method* of cutting hedges which has a greater impact by disturbing nesting birds or destruction of their nests. The issues of methods of cutting are being addressed by the Countryside Panel, the Société Jersiaise, and through the Scenic Lanes Competition. Were the date of branchage to be brought forward, extra disturbance of birds would be caused. This needs to be avoided as many hedgerow species will raise several broods in a season.

It also needs to be borne in mind that the Tourism Committee widely advertise and promote the beauty of Jersey's lanes, which are spectacular in the springtime. The Connétables already have the power to order the clearing of sites which cause particular problems at any time (Article 45) and this is felt to be adequate.

Decision

The Committee opposes the Deputy's amendment to the Loi (1914) sur la Voirie.

On 17th July 1998 the Environmental Advisor, the Ecologist (Environmental Services Unit) and the then President and the Secretary of the Jersey Farmers Union were invited to attend a meeting of the Comité des Connétables to discuss an earlier date for the branchage. Spring 1998 was fairly wet, and there were claims that owing to the exceptional conditions many roads had become so overgrown that it had been impossible for a car and bicycle to pass. The following is a summary of the opinions of each of the attendees.

- **Jersey Farmers Union**

It is estimated by the Jersey Farmers Union (JFU) that there are 158 miles of main roads and 200 miles of Parish by roads in the Island.

With hedges on either side of the road having to be cut on both sides a total of 716 miles of hedge have to be cut.

This work is carried out free of charge by landowners twice a year.

In most years a number of people cut hedges and banks on corners with poor visibility earlier in the season, but in many cases this then requires a further cut before the Visite du Branchage.

If the branchage had to be completed earlier many landowners would have to use contractors because of the workload on the farms in the early part of the summer. This would increase costs considerably.

- **Environmental Advisor**

Whilst recognising the particular problems caused by weather in some years it is necessary to take a pragmatic overall view.

While it is necessary to be aware of safety requirements, they can be dealt with by, for example, cutting banks/hedges on dangerous corners.

From the natural history point of view the growth on banks accentuated the value of lanes, e.g. Green Lanes, and reduced the erosion on banks.

- **Ecologist (Environmental Services Unit)**

The roadsides banques are important for the plants that grow on them, some being rare or threatened. For instance the Wild Strawberry and the Jersey Fern grow almost exclusively on roadsides and are the subject of a species action plan.

He personally considered that the timing for the branchage was about right, since the plants have time to flower and set seed before they are cut. The seeds are then able to germinate in the cut and cleared ground.

He expressed concern at the erosion of banks and the loss of land as the roads gradually became wider.

It would be difficult to say if an earlier branchage would affect the plants as so much depended upon the weather conditions each year. However, if more was cut by contractors the present diversity of approach would be lost and this diversity was good for the plants. In woodland or areas of heavy shade plants did not grow so fast, but in other areas growth was promoted by fertiliser on the banks. The present dates appeared to have worked well for many years, and given that conditions could be so variable from year to year it was difficult to legislate more precisely.

- **The Connétables**

There is some flexibility at present as Visites take place in the first fifteen days of July and September. Thus Parishes could bring the date forward by setting the Visites for the first week of those months.

Connétables have the power to ask for impeding branchage to be cut at any time in the year (Article 45).

Through Parish Road Committees, the Roads Inspectors could be asked to check roads and report those where there were problems requiring immediate action.

The Comité therefore decided not to seek any change in the Law.

Following the receipt of Act No. A8 of 26th June 2000, the Comité des Connétables wrote to the President of the Public Services Department drawing attention to the outcome of the meeting summarised above.

The Comité des Connétables considered the Act at a meeting in early August and made the following comments in a letter to the President of the Public Services Department dated 4th August 2000 -

“The Comité endorsed the comments made in my (earlier) letter and further expressed concern that the Public Services Committee should have reached a decision to amend the Law without consultation with the Comité and other appropriate bodies.

The Comité also pointed out that as the Public Services Committee was unable to undertake the branchage on the main roads for which it is responsible, prior to the first Visites du Branchage this year, an earlier date for the Visites would seem only to aggravate the situation.”