

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY H.L. JEUNE OF ST. JOHN, ST. LAWRENCE AND TRINITY
QUESTION SUBMITTED ON MONDAY 19th MAY 2025
ANSWER TO BE TABLED ON TUESDAY 27th MAY 2025**

Question

“Further to the response to [Written Question 442/2023](#), will the Minister explain what steps a member of public may follow to seek the protection of a tree and, in relation to those trees granted a ‘provisional’ listing at St. Joseph’s ([T/2023/0001](#)), will the Minister explain –

- (a) why the provisional listing expired;
- (b) what a ‘provisional’ listing means;
- (c) how and when a ‘provisional’ listing expires;
- (d) what mechanisms are in place to ensure that ‘provisional’ listings do not expire in the future; and
- (e) whether trees that have received a ‘provisional’ listing may be listed again?”

Answer

Following the decision of the Assembly to repeal the wider regulation of works to trees ([P.90/2023](#)), I am reviewing the use and operation of the existing provisions, within the Planning and Building (Jersey) Law, to protect special trees and to regulate works to them. This will include the development of a clear process and policy for the protection of trees.

In the meantime, permission is not required, under the auspices of the Planning and Building (Jersey) Law, to undertake works to trees except where they enjoy some form of protection (whether in the form of being added to the List of protected trees; or by a condition attached to the award of planning permission).

Members of the public can continue to raise issues of concern about trees that they consider might warrant some form of protection by contacting Infrastructure and Environment (Regulation).

- (a) A request for pre-application advice for development at St Joseph’s raised concern at I&E (Regulation) that a number of trees might be removed from the site before a planning application was submitted as the proposed development required the removal of some trees. As a consequence, a decision was made to provisionally add all of the trees on this site to the List of Protected Trees to ensure their initial protection, in advance of a planning application being made.

This provisional listing expired because a determination as to whether the trees embraced by it should or should not be included on the list of protected trees was not made within three months of the date of the service of notice of their provisional addition to the list.

A planning application has now been made for the development of this site (see [P/2025/0155](#)) to provide 42 sheltered homes.

The proposed development includes a formal assessment of all of the trees at the site, together with an assessment of the implications of the proposed development upon them. The proposed development would thus involve the removal of no category A (high quality) trees; six category B (moderate quality) trees; 20 category C (low quality) trees; and seven category U (poor quality) trees, as defined using the BS5837¹ categorisation. The proposed development also includes the planting of 54 trees.

The proposed removal of some trees at the site, together with proposals to mitigate the impact of tree loss through new planting, will now be considered as an integral part of the assessment of the planning application.

¹ British Standard 5837:2012 - Trees in relation to design demolition and construction

- (b) Provisional listing means that where the Chief Officer considers it necessary or expedient to restrain the actual or apprehended removal of, or damage to, a tree suitable for inclusion on the List of Protected Trees, trees might be added to the list on a provisional basis.

Protected trees cannot be removed or managed without permission.

The fact that they are listed does not, however, preclude their removal or management, where permission is granted to do so.

- (c) Trees entered provisionally on the list, remain on the list until –
 - i. a determination has been made that the tree should or should not be included on the list; or
 - ii. the expiration of a period of three months beginning with the date of service of the notice of provisional listing

whichever is the sooner.

- (d) As stated above, the Minister is reviewing the process and policy for the protection of trees. This will include the development and establishment of mechanisms to administer and operate the protection regime, subject to the availability of resources.
- (e) Trees may be added to the list of protected trees, on a provisional basis, where it is considered necessary or expedient to restrain the actual or apprehended removal of, or damage to, a tree suitable for inclusion on the List of Protected Trees.