

Council of Ministers

(45th Meeting)

21st November 2023Part A (Non-Exempt)

All members were present

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister (for items A1 and B5-B6 only)
 Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development
 Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Economic Development, Tourism, Sport and Culture
 Deputy I. Gardiner of St. Helier North, Minister for Children and Education
 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for Treasury and Resources
 Deputy P.F.C. Ozouf of St. Saviour, Minister for External Relations
 Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities
 Deputy H.M. Miles of St. Brelade, Minister for Justice and Home Affairs
 Deputy J. Renouf of St. Brelade, Minister for the Environment
 Deputy M.E. Millar of St. John, St. Lawrence and Trinity, Minister for Social Security
 Deputy T.J.A. Binet of St. Saviour, Minister for Infrastructure
 Deputy K.M. Wilson of St. Clement, Minister for Health and Social Services

In attendance -

Connétable M.K. Jackson of St. Brelade, Representative of the Comité des Connétables
 Connétable A.N. Jehan of St. John, Assistant Chief Minister
 Deputy A.F. Curtis of St. Clement, Assistant Chief Minister
 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, Assistant Chief Minister
 Dr. A. McLaughlin, Interim Chief Executive and Head of the Public Service, Government of Jersey
 M.H. Temple, K.C., H.M. Attorney General
 L.-M. Hart, Greffier of the States
 P. Wylie, Group Director of Policy, Cabinet Office (for item B2 only)
 E. Littlechild, Group Director of Operations and Transport, Infrastructure and Environment Department (for item B3 only)
 K. Whitehead, Group Director, Regulation, Infrastructure and Environment Department (for items A1 and B5 only)
 F. Walker, Head of Policy, Cabinet Office (for item B2 only)
 H. Harvey, Head of Local Economy, Department for the Economy (for item B4 only)
 L. Jones, Head of Environment and Climate, Cabinet Office (for item B3 only)
 M. Humphreys-Foott, Head of Regulatory Improvement, Infrastructure and Environment (for items A1 and B5 only)
 K. Le Blond, Sector Lead, Growth, Trade and Sport, Department for the Economy (for item B4 only)

N. Holmes, Sector Officer, Sport, Department for the Economy (for item B4 only)
P. Bradbury, Head of Ministerial Office
K.L. Slack, Secretariat Officer, States Greffe

Note: The Minutes of this meeting comprise Parts A and B.

Protection of
Trees.

A1. The Council of Ministers welcomed the Group Director, Regulation and the Head of Regulatory Improvement, Infrastructure and Environment Department, to the meeting and received and noted a PowerPoint presentation entitled 'Protection of Trees'.

The Council recalled that Connétable M.K. Jackson of St. Brelade had lodged an Amendment to the Government Plan 2021–2024 (P.130/2020 (Amd)(21) referred), which had been adopted and, *inter alia*, requested the Minister for the Environment to undertake a tree survey, enhance legislation relating to the preservation of trees and develop an Island Tree Strategy. In response thereto, a full public consultation had taken place on a proposed Tree Strategy, which included improved regulation for tree protection and had received very strong support from Islanders.

The former Minister for the Environment had subsequently brought forward proposed legislation and, under one part of the Planning and Building (Amendment No. 8) (Jersey) Law 2022 ('the Amendment No. 8 Law'), which was not yet in force, trees would be included in the definition of 'development' within the Planning and Building (Jersey) Law 2002. Islanders would be required to seek permission from the Infrastructure and Environment Department to undertake certain works relating to trees and hedges, unless the Minister for the Environment had made an Order exempting the work.

There would be a requirement to notify the Infrastructure and Environment Department of the following actions, with a notification period of a maximum of 28 days –

- felling;
- coppicing of trees that had not previously been coppiced;
- crown thinning where in excess of 30 per cent of the leaf bearing structure was removed;
- crown lifting to a height greater than 12 feet;
- the pollarding of previously intact trees whose diameter exceeded 5 centimetres;
- crown reduction and shaping;
- hedgerow removal; and
- ground works within the root zone of a tree.

The exemption Order would cover certain categories of trees, namely domestic and commercial fruit trees, those which did not exceed 25 centimetres in diameter at the height of 1½ metres above the ground (or 8 centimetres at the same height in an area designated as a site of special interest) and those that were diseased or posed a danger to the public or property. Works of routine management would be permitted, as described in separate guidance which would be published alongside the new Orders and predicated upon best practice for tree management in the United Kingdom.

The Council recalled that the draft Planning and Building (Amendment No.8) (Repeal) (Jersey) Law 202- (P.90/2023 referred), which had been lodged '*au Greffe*' by Deputy Sir P.M. Bailhache of St. Clement, had been scheduled to be debated by the States Assembly on 12th December 2023. However, Mrs. L.-M. Hart, Greffier of the States, informed Ministers that, following discussions with the Privileges and

Procedures Committee (anxious to manage the amount of Public Business listed for 12th December 2023), the Deputy had requested that the debate should be brought forward to 28th November 2023. The Council further recalled that, if adopted, P.90/2023 would repeal the Amendment No. 8 Law.

In the view of Deputy Bailhache, the Law represented an extraordinary intrusion into the liberty of property owners to manage their own land as they wished, noting that the majority of Islanders nurtured their trees. In his opinion, it was a disproportionate response to the issue of unscrupulous or irresponsible individuals who unnecessarily felled mature trees and would increase bureaucracy. In the report accompanying his Proposition, the Deputy reminded the Assembly that the Minister had powers under the Planning and Building (Jersey) Law 2002 to protect those trees that had a special importance or value to the Island and should not be cut down, lopped or otherwise harmed or altered without the express permission of the Chief Officer.

The Council was informed that Tree Preservation Orders ('TPOs'), such as were made by local planning authorities in England, did not exist in the Island, but an application could be made to list a tree or group of trees and that approximately 70 were so listed, although it was acknowledged that there was a high threshold to prove their public amenity value. It was also noted that it was not uniquely the trees which were wonderful specimens which had a significant meaning for Islanders.

The Council noted the position and thanked officers for the update.