

# STATES OF JERSEY



## GOVERNMENT PLAN 2021–2024 (P.130/2020): TWENTY-FIRST AMENDMENT

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Lodged au Greffe on 1st December 2020  
by Connétable of St. Brelade

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STATES GREFFE

**1 PAGE 2, PARAGRAPH (i) –**

After the words “Appendix 2 – Summary Table 9 to the Report” insert the words –

“, except that the expenditure from the Fund shall be increased by £300,000 to fund tree preservation initiatives”

**2 PAGE 3, PARAGRAPH (j) –**

After the words “Appendix 3 to the Report” insert the words –

“, except that on page 79 of Appendix 3, after the words “Marine Resources management and natural environment” there shall be inserted the following words –

“Commitment to funding tree preservation initiatives: additional expenditure per year of £75,000 in the years 2022, 2023, and 2024.”

**CONNÉTABLE OF ST. BRELADE**

**Note:** After this amendment, the proposition would read as follows –

**THE STATES are asked to decide whether they are of opinion –**

to receive the Government Plan 2021 – 2024 specified in Article 9(1) of the [Public Finances \(Jersey\) Law 2019](#) (“the Law”) and specifically –

- (a) to approve the estimate of total States income to be paid into the Consolidated Fund in 2021 as set out in Appendix 2 – Summary Table 1 to the Report, which is inclusive of the proposed taxation and impôts duties changes outlined in the Government Plan, in line with Article 9(2)(a) of the Law;
- (b) to approve the amounts to be transferred from one States fund to another for 2021, in line with Article 9(2)(b) as set out in Appendix 2 – Summary Table 2 to the Report;
- (c) to approve the proposed borrowing to be obtained for 2021, in line with Article 9 (2)(c), up to and including the amount set out in Appendix 2 – Summary Table 3 to the Report;
- (d) to approve each major project that is to be started or continued in 2021 and the total cost of each such project and any amendments to the proposed total cost of a major project under a previously approved

government plan, in line with Article 9(2)(d), (e) and (f) of the Law and as set out in Appendix 2 - Summary Table 4 to the Report;

- (e) to endorse the efficiencies and other re-balancing measures for 2021 contained in the Government Plan as set out in Appendix 2 Summary Table 6 and reflected within each gross head of expenditure in Appendix 2 – Summary Table 5(i);
- (f) to approve the proposed amount to be appropriated from the Consolidated Fund for 2021, for each head of expenditure, being gross expenditure less estimated income (if any), in line with Articles 9(2)(g), 10(1) and 10(2) of the Law and set out in Appendix 2 – Summary Tables 5(i) and (ii) of the Report;
- (g) to approve the estimated income, being estimated gross income less expenditure, that each States trading operation will pay into its trading fund in 2021 in line with Article 9(2)(h) of the Law and set out in Appendix 2 – Summary Table 7 to the Report;
- (h) to approve the proposed amount to be appropriated from each States trading operation’s trading fund for 2021 for each head of expenditure in line with Article 9(2)(i) of the Law and set out in Appendix 2 – Summary Table 8 to the Report;
- (i) to approve the estimated income and expenditure proposals for the Climate Emergency Fund for 2021 as set out in Appendix 2 – Summary Table 9 to the Report, **except that the expenditure be increased by £300,000 to fund tree preservation initiatives;** and
- (j) to approve, in accordance with Article 9(1) of the Law, the Government Plan 2021-2024, as set out at Appendix 3 to the Report, **except that on page 79 of Appendix 3, after the words “Marine Resources management and natural environment” there should be inserted the following words –**

**“Commitment to funding tree preservation initiatives: additional expenditure per year of £75,000 in the years 2022, 2023, and 2024.”**

## REPORT

### Introduction

From the rural parishes to the urban landscape of Town, everyday life for Jersey's people and wildlife is both supported and enhanced by trees: the green infrastructure of the Island. There are multiple widely known benefits of trees. Trees improve air quality, they can be a home to wildlife, may be a source of food, provide shade on a hot day, and will often be an aesthetically pleasing feature of the landscape. The evidence for maintaining and protecting trees within a community is strong. Studies<sup>1,2</sup> have shown that people who live in areas with more trees are generally healthier, both physically and mentally. Green spaces promote a sense of community and facilitate social networking and inclusion in children and adolescents.<sup>3</sup> They are important for the older generation too: Japanese studies<sup>4</sup> demonstrated a link between the health of over-70s who could walk regularly in parks and tree-lined streets. One Australian study from 2019 found that green spaces with trees were associated with much lower odds of psychological distress when compared with grass or low-lying vegetation with no trees.<sup>5</sup>

Knowing the many benefits that we derive from trees, it is logical that we should actively seek to protect Jersey's existing tree stock, and ensure that what is growing now, can continue to thrive well into the future so that new generations of Islanders can also enjoy the same benefits.

### 1. Develop an Island Tree Strategy

Jersey should develop an Island Tree Strategy that provides a clear, holistic plan for the current and future management of the Island's tree stock.

*"A strategy allows a local authority or other organisation to manage the trees it looks after well. It takes the benefits and risks of trees into account, setting long-term goals to drive up tree numbers and canopy cover, diversify tree stock, and protect existing trees for future generations."*<sup>6</sup>

The Tree Council is a UK charity that supports organisations involved in tree planting, care and conservation. Its website lists 49 UK local authorities that have created a Tree Strategy. The strategies typically feature policies and actions for the long-term ongoing management of trees in the different environments of that local area, e.g. "highway trees" (those adjacent to public roads), "open space trees" (such as those found in parks, gardens, green spaces and coastal areas), "countryside trees" (including woodlands, local nature reserves) and "private trees" (those growing on privately-owned land), and

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<sup>1</sup> [https://www.fs.fed.us/pnw/pubs/journals/pnw\\_2016\\_ulmer001.pdf](https://www.fs.fed.us/pnw/pubs/journals/pnw_2016_ulmer001.pdf)

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3748212/>

<sup>3</sup> [https://www.euro.who.int/\\_data/assets/pdf\\_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf?ua=1](https://www.euro.who.int/_data/assets/pdf_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf?ua=1)

<sup>4</sup> [https://www.euro.who.int/\\_data/assets/pdf\\_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf?ua=1](https://www.euro.who.int/_data/assets/pdf_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf?ua=1)

<sup>5</sup>

[https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2739050?utm\\_source=For\\_The\\_Media&utm\\_medium=referral&utm\\_campaign=ftm\\_links&utm\\_term=072619](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2739050?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=072619)

<sup>6</sup> <https://treecouncil.org.uk/science-and-research/tree-strategies/>

define who has responsibility for the management of those trees<sup>7</sup>. In the case of the strategy from Brighton & Hove City Council, it specifically seeks to use the strategy as an alternative to “*ad hoc decisions made in isolation*”.<sup>8</sup>

A tree strategy for Jersey should be informed by local knowledge and expertise, and it should be developed in connection with existing plans and strategies. An example of this is Jersey’s Carbon Neutral Strategy (CNS), published in December 2019.<sup>9</sup> The CNS aims to achieve carbon neutrality by 2030 and is pertinent to this proposition because it includes actions that relate to the protection of trees. The CNS sets out a range of actions that will set the Island on course to achieve carbon neutrality. Two key actions in the delivery plan in Appendix 4 of the CNS are “ensuring resilience and adaptation of natural capital” and to “support on-Island sequestration”. The CNS highlights the fact that trees are vital not only in supporting biodiversity, but also to assist in carbon reduction.

An effective tree strategy will take account of the Island’s unique geography and the environment of the local area, the native wildlife, and the likely risks to trees such as disease and pests. A strategy should plan for careful planting schemes to ensure the right trees are in the right location, which is important in the built environment as well as in the wild.

## **2. Start using Tree Preservation Orders**

Different jurisdictions protect trees in different ways. Tree Preservation Orders (TPOs) are used in the UK and Guernsey to ensure that certain trees are protected from destruction or damage. In the Isle of Man, trees are protected by virtue of “registration” under the Tree Preservation Act 1993<sup>10</sup> and members of the public can check which trees are registered using an online map.<sup>11</sup> It is an offence to cut down any unregistered tree of a certain size. In Alderney it is simply against the law to destroy *any* tree, and anyone wanting to remove a tree must apply for permission to do so.

Tree Preservation Orders are not currently used in Jersey. The ability to protect trees by Order was repealed with the introduction of the Planning and Building (Jersey) Law 2002. It is recommended that protection by Order should be made possible once again by either the amendment of existing legislation, or the introduction of new law. In April 2019 the Minister for the Environment, in response to a written question (WQ.194/2019) from the Connétable of St. Helier noted both this and the fact that the Planning Law instead requires important “amenity trees” to be added to the List of Protected Trees, accessible on the Government of Jersey website. It must be acknowledged that the List of Protected Trees is not a comprehensive list. It is possible for trees that are not listed to be protected by planning permissions. The onus therefore appears to be upon the landowner or developer to check whether any protection exists before initiating any work that would damage or destroy the tree. Unfortunately, there is anecdotal evidence

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<sup>7</sup> [Christchurch and East Dorset Partnership Tree Strategy](#)

<sup>8</sup> [Brighton and Hove City Council Tree and Woodland Strategy](#)

<sup>9</sup>

<https://www.gov.je/SiteCollectionDocuments/Environment%20and%20greener%20living/R%20Carbon%20Neutral%20Strategy%2020200109%20HL.pdf>

<sup>10</sup> [http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1993/1993-0006/TreePreservationAct1993\\_1.pdf](http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1993/1993-0006/TreePreservationAct1993_1.pdf)

<sup>11</sup> <https://www.gov.im/maps/>

of trees being removed from sites before the planning application has been submitted to avoid having to work around any protected trees.<sup>12</sup> Any new legislation or amendment to existing legislation must seek to mitigate this problem so that it cannot be possible for a site to be cleared of trees prior to submitting a planning application.

In addition to providing confirmation of the procedure for documenting Jersey's protected trees, the answer to WQ.194/2020 also states that the Minister "*considers the extent to which important amenity trees are protected to be inadequate, particularly in the Island's urban environment where their relative scarcity makes it more important to ensure their protection, and has initiated a review of the use of existing legal provisions.*"<sup>13</sup>

### 3. Enforcement of tree preservation legislation

In the UK recently there have been several cases of people removing trees without permission and subsequently fined a substantial sum of money. In Sandbanks, Dorset, a homeowner breached tree preservation orders in order to increase the natural light into his £1.2 million seaside property.<sup>14</sup> The Crown Court ordered him to pay almost £60,000, a large portion of which was confiscated to reflect the property's increase in value. Article 61(5)<sup>15</sup> of the Jersey Planning Law provides for similar determination of fine amount (i.e. relative to the financial benefit accrued in consequence of tree felling), but it is important to note that this would only be applied in instances where a *protected* tree was felled without permission.

In Swansea, a developer and his company were found guilty of breaching TPOs by felling 72 trees, including a 27 metre redwood which was likely to be in excess of 175 years old.<sup>16</sup> Swansea council took strong action against the developer, with Councillor Mark Thomas stating: "The felled tree was part of the heritage of this area of Swansea and one of the first of its kind to be planted in the city". The developer was fined a total of £300,000.

The question of enforcement of the Jersey Planning Law has been discussed several times in recent States Assembly meetings. There is anecdotal evidence to suggest that property developers in Jersey may be circumventing planning issues by removing trees from sites before submitting planning applications, and that little can be done at present. The Minister for the Environment has stated that work is being done to enforce and issue fines but that the law needs to be "tightened up" because using planning conditions "plainly do not work".<sup>17</sup> In answer to a Written Question from Deputy Rob Ward on 25<sup>th</sup> February 2020, the Minister stated:

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<sup>12</sup> <https://www.bailiwickexpress.com/jsy/opinion/why-are-trees-so-important/>

<sup>13</sup> [https://statesassembly.gov.je/AssemblyQuestions/2019/\(194\)%20APPROVED%20AND%20ANSWERED%20Con%20Crowcroft%20to%20ENV%20re%20tree%20preservation%20orders.pdf](https://statesassembly.gov.je/AssemblyQuestions/2019/(194)%20APPROVED%20AND%20ANSWERED%20Con%20Crowcroft%20to%20ENV%20re%20tree%20preservation%20orders.pdf)

<sup>14</sup> <https://www.bbc.co.uk/news/uk-england-dorset-49841149>

<sup>15</sup> [https://www.jerseylaw.je/laws/unofficialconsolidated/Pages/22.550.aspx#\\_Toc32764581](https://www.jerseylaw.je/laws/unofficialconsolidated/Pages/22.550.aspx#_Toc32764581)

<sup>16</sup> <https://environment-analyst.com/uk/83968/developer-fined-for-felling-trees-including-irreplaceable-giant-redwood>

<sup>17</sup>

[https://statesassembly.gov.je/assemblyquestions/2019/\(279\)%20dep%20ward%20to%20env%20re%20greenery%20in%20the%20islands%20urban%20areas.pdf](https://statesassembly.gov.je/assemblyquestions/2019/(279)%20dep%20ward%20to%20env%20re%20greenery%20in%20the%20islands%20urban%20areas.pdf)

*“I have approved law drafting instructions to amend the Planning and Building (Jersey) Law to provide greater protection for trees. The proposed amendment of the law will be the subject of consultation. Additionally, following the approval of the government plan, funds have been allocated to help deliver better tree protection. This will, in the first instance, enable the department to scope what a new regulatory regime will be and to provide some interim resource for regulation.”<sup>18</sup>*

#### **4. Criteria determining protected status**

Trees in Jersey are listed on the basis of whether a tree is deemed to have “amenity” value. A planning appeal report from 2017<sup>19</sup> highlights the lack of public information available on the listing process. It suggests that listing criteria should be published, together with the way in which the criteria will be measured and evaluated, stating that publication of detailed guidance “*would help the public have confidence in the listing process*”.

The Isle of Man has a Tree Protection Policy<sup>20</sup> and accompanying guidance notes<sup>21</sup> which help provide clarity to members of the public on what work can or cannot be done to trees. The policy also sets out the criteria that government arboricultural officers use to assess the amenity value of a tree, which includes: tree size (permission must be sought to fell any tree with a stem circumference of 25cm measured at a point of 1.5metres above ground level), useful life expectancy, importance of position in the landscape, presence of other trees, relation to setting and form. Jersey publishes similar information<sup>22</sup>, but on the basis of the suggestion from the 2017 planning appeal report, it would be beneficial to review and improve this so that there can be greater public confidence in the process of protecting trees.

#### **5. Undertake an Island-wide Tree Survey**

Article 58 of the Planning and Building (Jersey) Law 2002 requires the Minister for the Environment to maintain a List of Protected Trees. This list is publicly available via the Government website. At the time of writing there were 66 trees listed, and it must be noted that trees that are not on the list may still have some form of protection by virtue of a planning application. The onus is therefore on the individual to check whether a tree on or around their property is protected and to seek confirmation of this from Planning and Building Customer Services. A more comprehensive list would help to provide clarity to the public of what is protected and what may not be protected.

In November 2017 Trees for Life Jersey completed a survey of public trees within the ring road of St. Helier.<sup>23</sup> It is unclear whether any additional surveys have since been

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<sup>18</sup>

[https://statesassembly.gov.je/assemblyquestions/2020/\(77\)%20approved%20and%20answered%20dep%20ward%20to%20env%20re%20protection%20for%20mature%20trees.pdf](https://statesassembly.gov.je/assemblyquestions/2020/(77)%20approved%20and%20answered%20dep%20ward%20to%20env%20re%20protection%20for%20mature%20trees.pdf)

<sup>19</sup>

<https://www.gov.je/md/MDAttachments/Planning%20and%20Environment/Decisions%20in%202017/mdpe20170024rpt.pdf>

<sup>20</sup> <https://www.gov.im/media/1361035/tree-protection-policy-v16.pdf>

<sup>21</sup> <https://www.gov.im/media/1359588/tree-work-app-guidance-notes-v3-january-2020.pdf>

<sup>22</sup> <https://www.gov.je/PlanningBuilding/TreesHedges/Pages/Work.aspx#anchor-9>

<sup>23</sup> <https://jerseytreesforlife.org/tree-survey-update/>

completed outside of St. Helier, however, in answer to a Written Question (WQ.547/2019) on 10<sup>th</sup> December 2019, the Minister for the Environment stated that tree survey work would be undertaken in 2020.<sup>24</sup> It is assumed that the Covid-19 pandemic may have delayed any planned tree survey.

An Island-wide tree survey would require resource to devise and complete, but would result in a better understanding of the Island's existing tree stock and how to maintain it, and also help with planting initiatives that can be planned so that the right species of tree is planted in the most appropriate environment.

## **6. Public List of Protected Trees**

The List of Protected Trees that is currently available on the government website has 66 records and does not act as a single source of truth to determine whether any tree in Jersey has protected status. Data collected by carrying out an Island-wide tree survey should be used to ensure that the list is more comprehensive. It may also be beneficial to create a digital map, similar to the one available in the Isle of Man, so that people can easily check the location of any listed trees before submitting a planning application.

## **7. Stakeholder engagement**

Stakeholder engagement and consultation with, for example, Parishes, schools, charities, environmental groups, developers, landowners, and local businesses, has much potential for helping Islanders to take pride in the ownership and protection of Jersey's unique natural environment. Many school children already take part in Forest School initiatives through pre-school or primary school, and benefit from learning about nature in their early years. Beyond this, there are many opportunities for community involvement and raising awareness, such as tree planting, sponsorship of the purchase of new tree stock, participation in woodland management or tree survey activity.

### **Financial and manpower statement:**

In February 2020 the Minister for the Environment stated that funds had been allocated to improve tree protection, and to scope a new regulatory regime. This should be committed to as part of the Government Plan, with £300,000 funding to come from the Climate Emergency Fund to commence initiatives in 2021, and a further £75,000 per year for 2022, 2023, and 2024 to continue supporting this work.

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<sup>24</sup>

[https://statesassembly.gov.je/assemblyquestions/2019/\(547\)%20approved%20and%20sent%20conn%20of%20st%20brelade%20to%20env%20re%20tree-felling%20on%20private%20properties.pdf](https://statesassembly.gov.je/assemblyquestions/2019/(547)%20approved%20and%20sent%20conn%20of%20st%20brelade%20to%20env%20re%20tree-felling%20on%20private%20properties.pdf)