

2019.04.30

6 Connétable A.S. Crowcroft of St. Helier of the Minister for the Environment regarding the recent felling of a tree in Pomona Road, St. Helier: (OQ.115/2019)

Will the Minister explain whether a mature *Aesculus x carnea*, or red horse chestnut tree, which was recently felled in Pomona Road, St. Helier, was protected by a Tree Preservation Order; and if not, will he explain why it was not so protected?

Deputy J.H. Young (The Minister for the Environment):

Like the Constable, I was very disappointed to learn of the felling of this mature tree, which, I am told, happened on 10th April. From the photographs I have been provided, it appears to be an attempt to facilitate parking in the front garden of houses in multiple occupation at 9 and 11 Pomona Road. Now, the removal of a tree does not require any form of planning permission, unless it is protected by being included on the list of protected trees, which the Constable has referred to. At the moment, we have 64 on that list, 41 have been added in the last 10 years. There is also an opportunity to include restrictive planning conditions when permission is given for development of a site, but, unfortunately, in the case of this tree, this particular tree, like most others in St. Helier and throughout the Island, did not benefit from any formal protection and, therefore, could be lawfully removed without the need for any consent. I want to put on record that both I and my Assistant Minister, Deputy Guida, do not consider this situation to be acceptable.

[10:30]

Trees are vitally important for a variety of reasons. Their amenity value, their biodiversity value and the contribution that they make to people's health and well-being, especially those trees that are in the Island's urban environments, because they add significantly to the quality of urban living. So, we do have legal powers and clearly we have not used them enough. I have requested the officers, and Deputy Guida, who is leading on this, that we make more use of those powers.

The Bailiff:

Ninety second rule, Minister.

4.6.1 The Connétable of St. Helier:

I think I am right in saying that the department carried out a survey of trees in the urban area recently - I think as recently as last year - and I am at a loss to understand how that survey was not accompanied by a flagging up of really important trees, like this one, that could have been protected after that survey. Was it just a survey to gather information, which will be put on a shelf somewhere? Will the Minister agree to go back to that survey and to get his officers on the case, so that we do not lose any more of these mature trees in town?

Deputy J.H. Young:

I think the Constable has the advantage on me. I do not know about this survey and I will undertake to find out about it. I hope that it was not done since I was elected. I suspect it was done before that time and I will make sure we act on it, because I am not in favour of reports sitting on shelves going nowhere. We have been resource-constrained; the previous Planning Department did not have the resources to do this job properly, but the good news is it is an advantage of the new G.H.E. (Growth, Housing and Environment) structure, Members will be delighted to know, we now have an arboreal horticulturalist and I am very keen to ensure that that person, which is now in our strength,

picks up this work. I am afraid I can only offer apologies, because we absolutely need to do more in this area and I will bring back a report.

4.6.2 The Connétable of St. Lawrence:

The Minister referenced conditions that may be put on trees as part of planning conditions and I am aware from speaking to his Assistant Minister recently, that a tree with just such a condition on it in, I believe, St. Ouen was, in fact, felled. I would like to know from the Minister what action he intends to take regarding the breaching of that planning condition. I am sure if he does not have the information now, he can refer to his Assistant Minister for it.

Deputy J.H. Young:

I can talk generally about the use of conditions. Again, not good news. Deputy Guida and myself have looked at several cases where this has happened. I do not know about the St. Ouen's one, but there is no question that the enforcement of planning conditions has not been an area of success in the planning work in the past. Again, this is difficult, because there are a lot of legal complexities and I think the best way to do it is to, where there are important trees, put them on a protected list and do the job properly. That way they cannot be felled under the law. Again, I think the Connétable makes a fair point. But, again, I am afraid this is going to be part of the work we are going to be progressing in the coming period in office.

4.6.3 The Connétable of St. Lawrence:

Supplementary? I wonder whether the Minister will give an undertaking to investigate the incident of which I am speaking, please?

Deputy J.H. Young:

Yes, if the Connétable will let us have details after the Assembly, we will check it out, but I think one thing that will need to be recognised, we have had cases where a condition was put on a tree and then, subsequently, a person applied to the Planning Department to have it removed and we lost the tree. I was not aware of that. I think all these are areas where, frankly, we have not given enough importance to trees.

4.6.4 Deputy M. Tadier:

I just wanted to ask the Minister if he thinks it is appropriate to stand up here and say that he is disappointed that a tree has been felled, when there is no protection for that tree and when an individual, presumably, is just exercising their personal freedom in a lawful manner to remove a tree, possibly on their own property. Would it not be more appropriate for the Minister to take action to make sure that this type of tree in future is protected, rather than pontificating about what his opinion is outside the law?

Deputy J.H. Young:

I think it must be legitimate for me, as a Minister, to express an opinion on a matter. I have made it quite clear that the actions were legal; I just said I did not like it and if it was me I would not agree with it.

4.6.5 The Connétable of St. Helier:

I am grateful for the Minister's assurances that more will be done to protect Town trees. Does he not agree with me that we must also do more to provide for new trees in all developments,

especially where they can be planted in ground and then, if money is needed to move services, we can still find that money in order that we can plant proper trees in the future?

Deputy J.H. Young:

Absolutely, this is where I think this links up very much to the Council of Minister's agenda in improving the built environment. It is going to need money, funding and efforts, open spaces, new tree planting and so on. At the moment, I do not see that we have the mechanics in place to deliver that and I think it must be part of any future St. Helier plan.