

JERSEY / JUDGMENT

Representation by TTS [2013]

JRC 024 (31 January 2013)

[2013] JRC 024

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judgment

the commissioner: 1. At the Visite Royale 15 th August, 2012, the Court's attention was drawn to an oak tree that was encroaching over Le Mont au Roux constituting a potentially serious danger to the public. The Court ordered, on that occasion, that Transport and Technical Services (TTS) would provide, within 3 months to the Inferior Number of the Court, proposals as to how to save the oak tree and to make the road in question safe. 2. TTS were duly instructed to review the land in question and they concluded that the tree was expected to live at least another 100 years. In order to accommodate this growth, whilst maintaining the safety of the road, the road would have to be widened away from the tree, thus allowing the central line to be moved. They estimated that as the oak tree continues to grow the encroachment would increase by approximately 5mm each year, therefore increasing the encroachment by 500mm over 100 years. The existing encroachment is already approximately 150mm, therefore any widening of the road to accommodate growth over 100 years would have to be a minimum of 1 metre. If the road was to be widened by a minimum of 1 metre it would be necessary to engineer support for the widened road, as the grass verge opposite the oak tree is only 1 metre wide with a steep drop thereafter finishing approximately 2.5 metres below road level. 3. Based on this, TTS engineers have estimated that such a project would cost in the region of £83,750, a figure which they say would be difficult to justify in the present economic climate. They have however identified an alternative option. This would involve the road being reduced in width by 400mm and the central line being re-aligned, which would allow the tree to survive for a further 10 years without encroaching onto the road. The cost of such a re-alignment would be £10,000, which the Minister has agreed to. The Minister has therefore respectively submitted that preserving the oak tree is the only viable option for the next 10 years, at which point it will need to be removed. 4. Mr Pallett , the Connétable, has visited the area and points out to us that immediately above is a sweeping bend where cars tend to naturally drift towards the south side of the road. Narrowing the south side lane would, in his opinion, not only make the bend more severe but also increase the risk to motorists on an already tight section of the road. In his view there are already clear issues of safety as to the area directly below the tree, which has been treated with an anti-slip surface to prevent skidding. He reminded the Court that this area of the road was susceptible to a high amount of debris from leaves from this and other trees in the area during Autumn and

Winter when the road is particularly hazardous. He would therefore be more inclined to agree to a proposal whereby the road would be moved 400mm from the kerb at the tree side and then also extended by the same amount on the south side of the road in order to retain the width of the road on the south side. However this solution was too expensive and in his view it would be better to fell the tree. There is no doubt in his mind that the tree would continue to encroach further as each year passes, possibly necessitating further changes to the road in the intervening 10 years, at which time it has been deemed the tree would need to be felled. Like most Islanders he does not wish to see a healthy tree destroyed without good reason but in these economic times he feels we must be aware of the cost to the taxpayer, and in his view the most sensible thing to do for both safety and cost would be to remove the tree, which he says in the long term is inevitable. 5. We are very grateful to the Connétable for visiting this site again, on at least three occasions, and for his helpful comments. He informed us that he has been to meet with the TTS engineers and put all of these concerns to them, but notwithstanding this and after a helpful and constructive discussion, they stand by their recommendations and as the Connétable did acknowledge to us, they are the road traffic experts. 6. We agree that spending £83,000, if not more on widening the road, cannot be justified in today's economic climate. At the same time, without compromising road safety, we would wish to see if the tree could be reprieved, if that can be done and we therefore are going to go for the alternative option put forward by the Minister to preserve the tree for so long as it does not pose any danger to traffic, by ordering that the necessary work is carried out to allow the tree to be preserved by narrowing the road by 400mm and re-aligning the central line and by instructing the planting of at least one semi-mature English oak tree close by so that if the tree is removed in the future, a replacement will be in place and hopefully well established. 7. We do not think it right to make an order now for the destruction of the tree in 10 years' time; we do not know what the circumstances will be then or in the intervening period but we are comforted by the fact that its safety will be monitored on a regular basis by the Parish. We do think it is a good idea, as the Connétable has said, that signs be put in place when this work is done in order to warn drivers of the bend and the need to slow down. No Authorities Page Last Updated: 16 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 28 October 2026 · Esheria