

## **LAND CONDITION NOTICE**

### **Planning & Building (Jersey) Law 2002**

THIS NOTICE TAKES IMMEDIATE EFFECT ON THE DATE IT IS ISSUED

- 1 This Notice:** Is issued pursuant to the powers conferred under Article 86 and 89 of the Planning and Building (Jersey) Law 2002;

**Article 86 - Notice requiring proper maintenance of land, etc**

**Article 89 - Notice requiring action in respect of disused vehicles**

- 2 This Notice relates to land at:**

- 2.1 Field No. T582A, La Rue es Picots, Trinity**

(edged in RED and labelled 'Field T582A' on the attached '*Land Condition Notice Location Plan*').

- 3 Reasons for Issuing this Notice:**

- 3.1** It appears to the Chief Officer that the amenities (visual or otherwise) of the land are being adversely affected by their condition or use, through the dumping of dozens of disused vehicles, metal, plastic storage containers and other non-agricultural items.

- 3.2** It is considered expedient to remedy the injury to amenity through the service of a Land Condition Notice.

## **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST**

- 3.3 Policy ERE1 – Protection of Agricultural Land, states that the development or loss of agricultural land will not be supported unless in exceptional circumstances.
- 3.4 Abandoned vehicles release harmful toxins and chemicals into the air and soil, which can cause various health problems for humans and animals. Leaking fluids from abandoned vehicles can contaminate nearby water sources. These fluids, which will leak as rubber seals decompose, are not limited to fuel but may include oil, brake and clutch fluid and antifreeze.
- 3.5 Abandoned vehicles left to rust for extended periods of time may result in the accumulation of toxic metals that may contaminate soils and water sources, and eventually enter the food chain. This can create serious environmental issues that may have long-term consequences.
- 3.6 The environmental damage caused outweighs any short-term benefits of certain fauna and flora growing or being attracted to the field.
- 3.7 Field No.T582A lies within the Green Zone as defined in the Bridging Island Plan 2022, which is given a high level of protection. The current condition and use of the land is considered to have a significant adverse visual and environmental impact upon the amenity and landscape character of this sensitive rural area.

### **4 The loss of amenity that has given cause to the issuance of this Land Condition Notice:**

- 4.1 Article 86 of the Planning and Building (Jersey) Law 2002 (Notice requiring proper maintenance of land, etc.) states that if it appears to the Chief Officer that the amenities of a part of Jersey are being adversely affected by the condition or use of any land, the Chief Officer may serve a notice requiring work specified in the notice be undertaken to abate the injury.

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- 4.2 Amenity can be defined as a positive element or elements that contribute to the overall character of the area. The harm to amenity and overall character of the land in this case is the environmental damage caused by the chemical seepage onto the land by the disused vehicles and the loss of usable farmland to the island.
- 4.3 Article 89 (Notice requiring action in respect of disused vehicles) provides that if it appears to the Chief Officer that for amenity reasons a disused vehicle should be moved or otherwise disposed of the Chief Officer may serve a notice requiring the vehicle to be dealt with in the manner specified in the notice
- 4.3 In this Article “disused vehicle” means anything constructed for use as a vehicle or as part of a vehicle (including wheeled or tracked equipment) which is not normally being so used and whether or not it is capable of being so used.
- 4.4 The agricultural land is being adversely affected by its condition or use, as set out in Article 86 of the Law, and represents a loss of amenity in respect of it.

### **5 Work to be undertaken:**

- 5.1 No later than 12 months from the date of this Notice, to remove all non-agricultural vehicles, disused agricultural vehicles, disused machinery and plant, storage units, containers and any other items of a non-organic nature from Field T582A.
- 5.2 Return the land to a condition suitable for agriculture.

### **6 Time for Compliance:**

- 6.1 **12 Calendar months**

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**Date of Issue:** 5 February 2024

**Signed:** Nina Cornish

Date: 5 February 2024

(Authorising Officer)

For and on behalf of the Chief Officer;

**Nina Cornish**

Senior Officer – Compliance, Land and Habitat  
Infrastructure and Environment, Development Control,  
28-30 The Parade, St Helier. JE49SS

**Enclosures.**

1. Land Condition Notice Location Plan

**Note:** It is the landowner's duty to ensure that in complying with this Notice, he or she does so without breaching any other legislation, including, but not limited to, the **Wildlife (Jersey) Law 2021**.

**Informative.** Any other item or issue not specified in this notice may be the subject of a separate notice.

## **ADVISORY NOTES**

**What will happen if this Notice is not complied with:** If you fail to comply with the requirements of this Notice, you may be liable to prosecution under the appropriate Article of the Planning and Building (Jersey) Law 2002.

**Your Rights of Appeal:** In accordance with Article 109 of the above Law, you may appeal against this Notice to the Judicial Greffier by writing to the Planning Tribunal, First Floor, International House, 41 The Parade, St Helier JE2 3QQ no later than 28 days from the date this Notice is issued, enclosing the required fee.

Planning Tribunal:

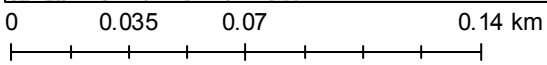
[planningtribunal@courts.je](mailto:planningtribunal@courts.je)

Appeal Information:

<https://www.gov.je/planningbuilding/appealscomplaints/pages/appealplanningbuildingdecision.aspx>



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### Land Condition Notice Location Plan

Date: 02/02/2024

SCALE 1:2,256.99

