

## ENFORCEMENT NOTICE

### PLANNING AND BUILDING (JERSEY) LAW 2002

1. **This Notice** is issued pursuant to the powers conferred under Article 40 of the Planning and Building (Jersey) Law 2002 because it appears that a breach of development controls has occurred at the land stated below. Article 5 of the above Law defines the meaning of development and Article 7 of that Law states that land shall not be developed without planning permission.

2. **This Notice relates to land at:** Field No.O1149, La Profonde Rue, St. Ouen, Jersey, JE3 2EG, shown edged red on the attached plan.

3. **The Breach of Development Controls:** Without planning permission:

Engineering operations to excavate land to form a pond and the construction of an earth bund screen between points A and B (as illustrated on attached location plan) using the displaced spoil.

4. **The Reason for Issuing this Notice:** It appears that the above breach of development controls has occurred within the last 8 years.

The site is situated within the designated Green Zone, which is afforded a high level of protection and, where with prescribed exceptions, there is a general presumption against all forms of development.

Policy ERE1 of the Adopted Island Plan (Revised 2014) highlights the importance to Island life that agriculture is supported and remains viable and places a general presumption against the permanent loss of good agricultural land.

The scale and extent of the excavations to Field No.O1149 appear at odds with the authorised agricultural use and has a detrimental impact to the viability of the agricultural holding and lead to the loss of good agricultural land.

The department consider planning permission should not be approved in consideration of the reasons in issuing this notice and because planning conditions cannot be imposed that would make the unauthorised development acceptable.

5. **This Notice requires you to:**

- a. Infill the excavated land using the displaced spoil
- b. Level the infilled surface to the same gradient as the surrounding land, and
- c. Re-seed the area with grass.

6. **Period of compliance:** 2 months from the date of this notice.

7. **What will happen if this Notice is not complied with:** If you fail to comply with this Notice, you may be liable to prosecution under the appropriate Article of the Planning

**Growth, Housing and Environment  
Regulation**

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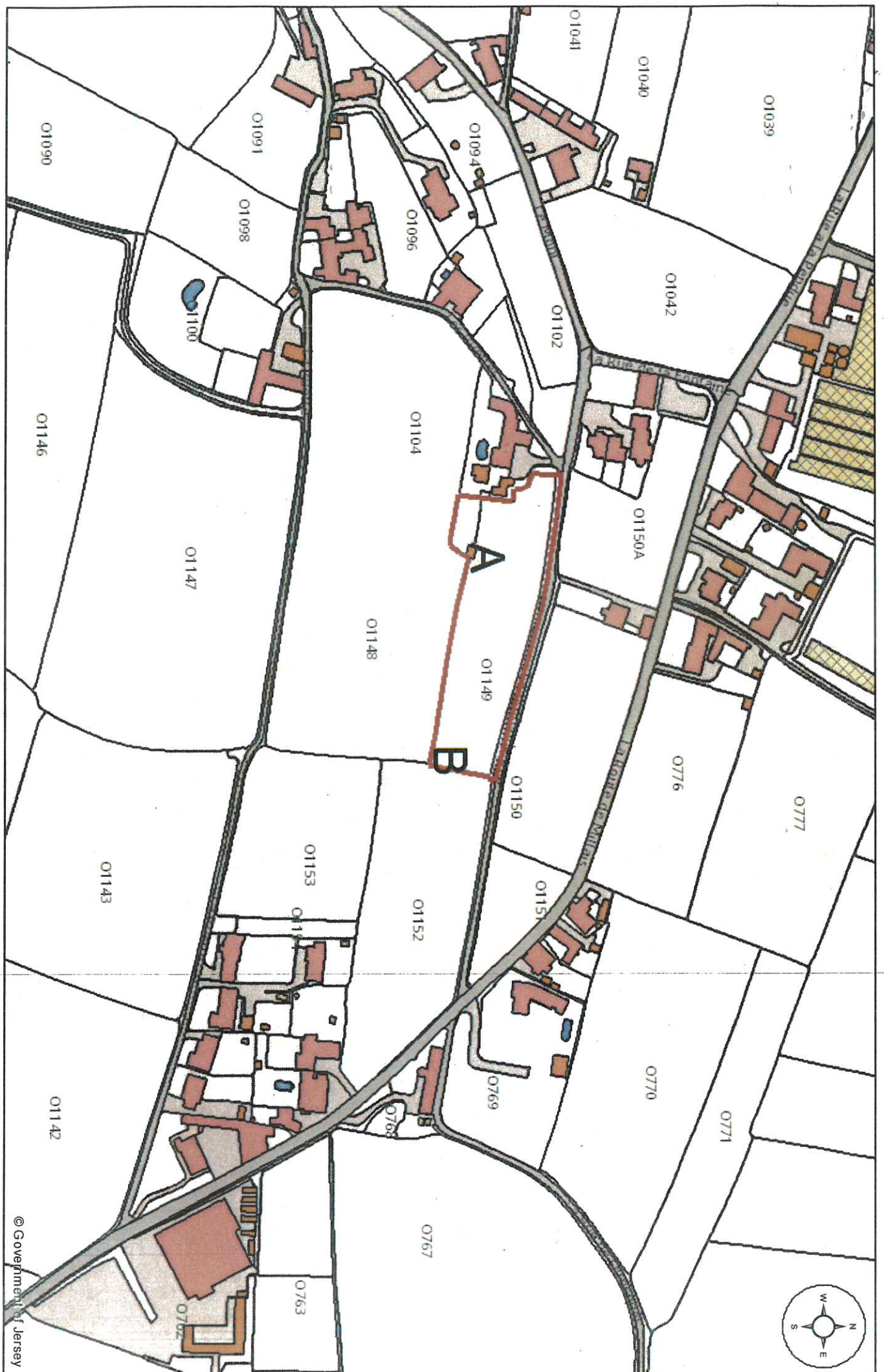
and Building (Jersey) Law 2002 for developing land without the benefit of planning permission as well as failing to comply with an Enforcement Notice.

8. **Your rights of appeal:** In accordance with Article 109 of the above Law, you may appeal against the Notice, in writing to the Greffier no later than the end of the period of 28 days beginning with the date of issue of the Notice. The date of the issue of the Notice shall be taken as the date stated below.

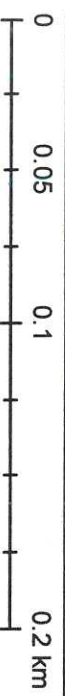
SIGNED: [REDACTED] On this Date: 24/08/2020

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For and on behalf of the Chief Officer



Date: 24/08/2020



# Location Plan

SCALE 1:2,500



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