

Infrastructure Housing and Environment Regulation

PO Box 228,
Jersey.
JE4 9SS

Tel: +44 (0)1534 441600



Enforcement No. ENF/2020/00008

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. 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. MY771, La Rue de la Frontiere, St Mary, Jersey, shown edged red on the attached plan.

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

3.1 The construction of earth-bunds within the approximate areas shown in brown.

3.2 The construction of a hard-surfaced area within the approximate area shown in black.

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

The site lies within the Green Zone wherein there is a presumption against development. Planning permission has not been approved for the construction of earth bunds or the construction of a hard-surfaced area within field MY771.

The siting of the earth bund to the boundary of the stream is considered potentially harmful to the drainage of field MY771 and **may** restrict the surface water run-off.

No proposals have been submitted that would mitigate the landscape harm or the risk of flooding as a result of these operations which are contrary to policies SP4, NE7, GD1 and LWM3 of the 2011 Island Plan (Revised) 2014.

The presence of the earth bunds and the hard-surfaced area are detrimental to the preservation of the Green Zone and fail to satisfy the requirements of policies SP4, NE7, GD1 and LWM3 of the 2011 Island Plan (Revised) 2014.

The department consider planning permission should not be approved because a planning condition could not overcome these objections.

5. What you are required to do: Restore Field MY771 to a condition comparable to that prior to undertaking the unauthorised works by;

5.1. Removing the earth-bunds and all materials comprising their construction from the land and level the ground to an even gradient with that of the surrounding ground surface.

5.2. Remove from the land all the material used to construct the hard surfaced area to a minimum depth of 300mm. Cover that area with a minimum of 300mm of top soil levelled to the same gradient of the surrounding ground surface and reseed the top soil with grass.

6. Period of compliance:

6.1. (5.1) Within 56 days of the issue date of this notice

6.2. (5.2) Within 90 days of the issue date of this notice

7. Date of Issue: 23.10.2020

SIGNED  Date: 23/10/2020

For and on behalf of the Chief Officer
Andy Townsend – Principal Planner
Regulation Department

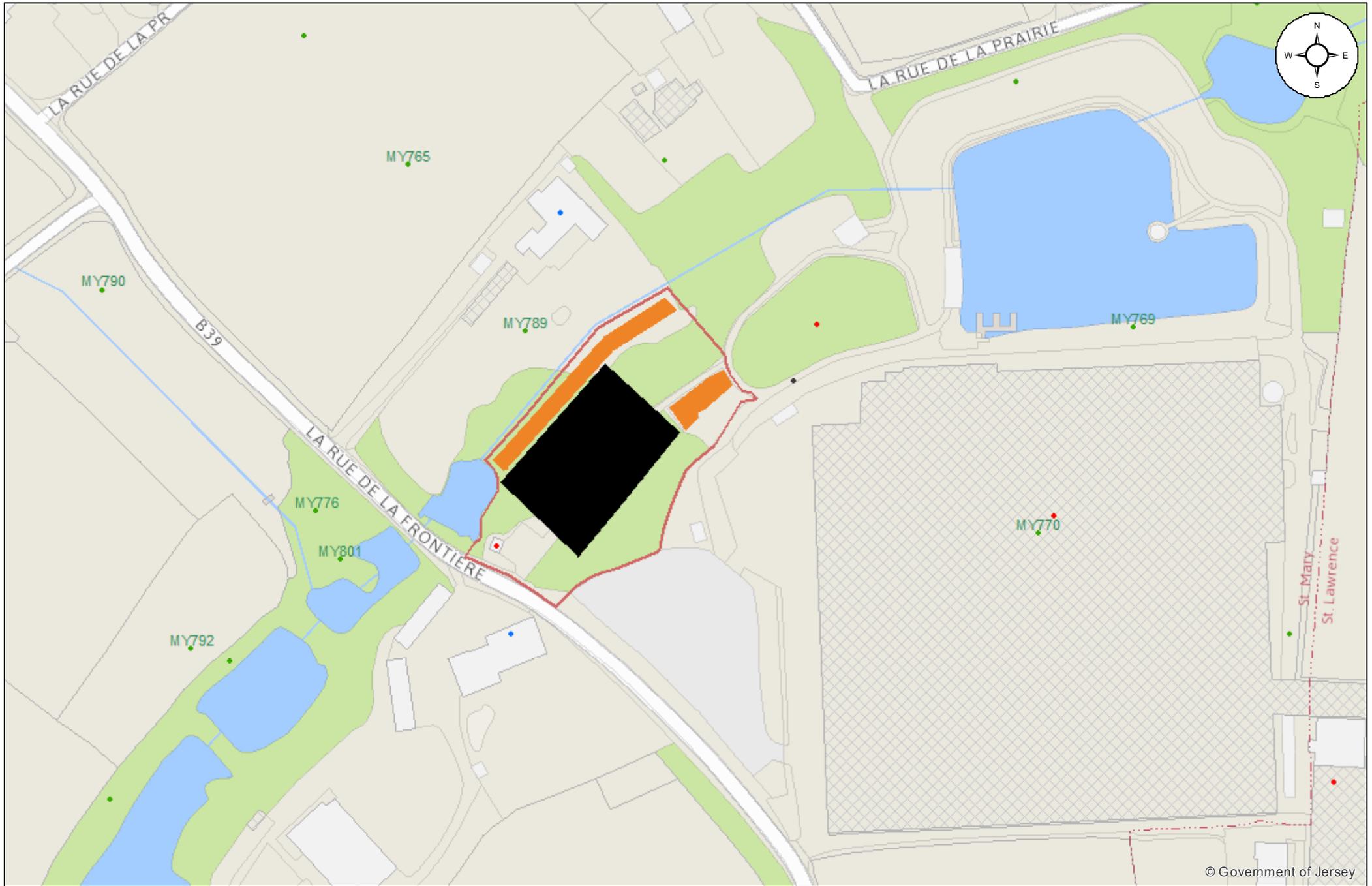
Informative:

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

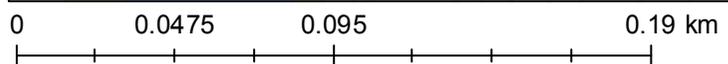
Your rights of appeal: In accordance with Article 109 of the above Law, you may appeal against the Notice, in writing to the Greffier no later than the end of the period of 28 days beginning with the date of issue of the Notice.

PoliciesSP4 and NE7 of the Island Plan (Revised) 2014;

<https://consult.gov.je/portal/policy/pd/ip2011>



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Date: 09/10/2020

Location Plan

SCALE 1:2,256.99

