

ENFORCEMENT 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 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. MY294, (UPRN 69213852) La Rue de la Hougue Mauger, St. Mary
(shaded in YELLOW on the attached plan),

Field No. MY295 (UPRN 69213853) La Rue de la Hougue Mauger, St. Mary
(shaded in BLUE on the attached plan),

Field No. MY296 (UPRN 69213854) La Rue de la Hougue Mauger, St. Mary
(shaded in GREEN on the attached plan) and

Field No. MY249 (UPRN 69213816) La Rue des Touettes, St. Mary
(shaded in GREY on the attached plan).

3 The Matters which appear to constitute the Breach of Development Controls:

Without Planning Permission development has occurred at;

Field No. MY294, (UPRN 69213852) La Rue de la Hougue Mauger, St. Mary
(shaded in YELLOW on the attached plan),

Field No. MY295 (UPRN 69213853) La Rue de la Hougue Mauger, St. Mary
(shaded in BLUE on the attached plan),

Field No. MY296 (UPRN 69213854) La Rue de la Hougue Mauger, St. Mary
(shaded in GREEN on the attached plan) and

Field No. MY249 (UPRN 69213816) La Rue des Touettes, St. Mary

(shaded in GREY on the attached plan) namely;

- 3.1 At the northern boundary of Fields MY294 and MY295 a section of hedgerow and banque has been removed to create a new inter-field vehicular access path (*as indicated 3.1 on the attached Enforcement Notice Location Plan – ‘Removed Banques and Hedgerows’*). The removal of the hedgerow and banque was carried out without prior planning consent. The removal of this section of hedgerow and banque amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and is not granted permission by way of the provisions of the Planning and Building (General Development) (Jersey) Order 2011.
- 3.2 The hedgerow and banque boundary between Fields MY295 and MY296 measuring approximately 104m in length, has been removed to create a single field, measuring approximately 11500m² (*as indicated 3.2 on the attached Enforcement Notice Location Plan – ‘Removed Banques and Hedgerows’*). The removal of the hedgerow was carried out without prior planning consent. The removal of this section of hedgerow and banque amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and is not granted permission by way of the provisions of the Planning and Building (General Development) (Jersey) Order 2011.
- 3.3 At the northern boundary of Fields MY296 and MY249 a section of hedgerow and banque has been removed to create a new inter-field vehicular access path (*as indicated 3.3 on the attached Enforcement Notice Location Plan – ‘Removed Banques and Hedgerows’*). The removal of the hedgerow and banque was carried out without prior planning consent. The removal of this section of hedgerow and banque amounts to development, as defined in Article 5 of the Planning and Building (Jersey) Law 2002 and is not granted permission by way of the provisions of the Planning and Building (General Development) (Jersey) Order 2011.

4 Reasons for Issuing this Notice:

It appears that the Breaches of Development Controls have occurred within the last 8 years.

Fields MY294, MY295, MY296 and MY249 lie within the Green Zone as defined in the Jersey Island Plan 2011 (Revised 2014), wherein lies a general presumption against development that would cause serious harm to landscape character.

The unauthorised development is considered to cause serious harm to the landscape character and wildlife of this sensitive rural area and would fail to meet the requirements of Policies SP4, GD1, NE7, EIW5 and ERE1 the Jersey Island Plan 2011 (Revised 2014)

5 Steps Required to Rectify the Breach: Reinstate the hedgerow by;

5.1 The reinstatement of the previously removed banques as set out in 3.1, 3.2 and 3.3 above (and as indicated 3.1, 3.2 and 3.3 on the attached plan).

5.1(a) The dimensions of the reinstated banques to be between 2.50m and 3.00m wide at the base of the banque, between 1.25m and 1.75m high at the top of the banque and between 1.25m and 1.75m wide at the top of the banque.

5.1(b) The reinstated banques should be made up of topsoil mixed with any stones that were retained during the original removal of the banques.

5.2 The reinstated banques to be planted under the supervision of a qualified horticulturist with the following mixture of locally sourced hedgerow plants grouped together once every 6m to 8m along its respective lengths;

5.2(a) 50% Hawthorn (*Crataegus Monogyna*) and the remaining 50% to be made up of a mixture of Elder (*Sambucus Nigra*) and Blackthorn (*Prunus Spinosa*).

5.2(b) Plants must be spaced a minimum of 60cm apart in groups of not less than 6 plants comprising of a combination of each of the species mention in 5.2(a) above.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

- 5.2(c) All plants must be planted with a spiral guard shelter and stake with either a mulch mat or wood chip for protection.
- 5.2(d) Any of the newly planted plants that fail within the first 12 months after compliance with this order must be replaced with a similar plant in accordance with 5.2(a), 5.2(b) and 5.2(c) above.

6 Time Frame for Compliance: You are required to commence these remediation works no earlier than the 15th of November 2021 and have concluded and complied with this order in full by no later than the 31st of March 2022.

Date of Issue: 11th June 2021

Signed  **Date:** 10th June 2021
(Authorising Officer)

For and on behalf of the Chief Officer;

Peter Le Gresley

Head of Development and Land (Regulation)

Infrastructure Housing and Environment, Development Control,

28-30 The Parade, St Helier. JE49SS

Enclosures.

1. Enforcement Notice Location Plan (Aerial View 2020).
2. Enforcement Notice Location Plan (Field Identification).
3. Enforcement Notice Location Plan (Removed Banques and Hedgerows).
4. Images from Field

Informative. Any other item or issue not specified in this enforcement notice may be subject of a separate enforcement 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 by writing to the Greffier no later than 28 days beginning with the date this Notice is issued.

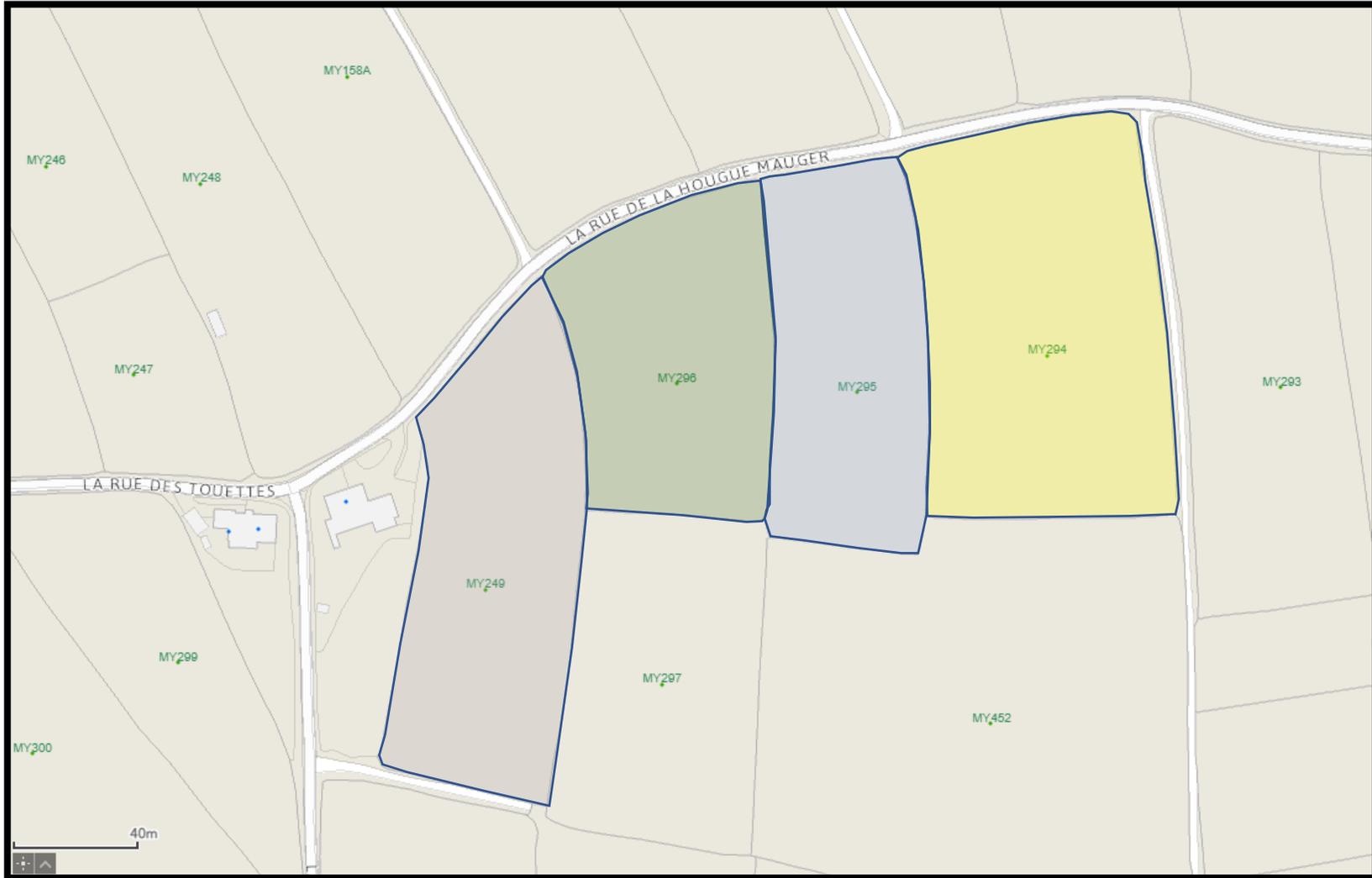
ENFORCEMENT NOTICE LOCATION MAP – Aerial View

**Fields MY294, MY295 and MY296 La Rue de la Hougue Mauger, St. Mary.
and Field MY249 La Rue des Touettes, St. Mary.**



ENFORCEMENT NOTICE LOCATION MAP – Field Identification

Fields MY294, MY295 and MY296 La Rue de la Hougue Mauger, St. Mary.
and Field MY249 La Rue des Touettes, St. Mary.



ENFORCEMENT NOTICE LOCATION MAP – Removed Banques and Hedgerows

**Fields MY294, MY295 and MY296 La Rue de la Hougue Mauger, St. Mary.
and Field MY249 La Rue des Touettes, St. Mary.**

