

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY D.J. WARR OF ST. HELIER SOUTH
QUESTION SUBMITTED ON MONDAY 24th MARCH 2025
ANSWER TO BE TABLED ON MONDAY 31st MARCH 2025**

Question

“Will the Minister detail in full the planning requirements imposed on the Portelet Bay Café (the Café) for urgent maintenance works required to secure the safety of the infrastructure of the building and land used for public enjoyment, and will he also advise why the Café has been asked to undertake an Environmental Impact Assessment, when this requirement does not appear to apply to the Government for planning permission to carry out similar emergency works or maintenance?”

Answer

The application submitted for this site includes, in a single application, works which may be capable of being considered as works of repair or maintenance, as well as works which propose the creation of rock armour to the west of the café in order to protect an area of public land, constituting an engineering operation. This rock armour is proposed to be created using existing rocks from the public beach. Given the nature of the application, and as was set out in my Ministerial Decision of 10 February 2025, the Planning and Building (Jersey) Law 2002 and associated Planning and Building (Environmental Impact) (Jersey) Order 2006 require that the application is accompanied by an Environmental Impact Statement compiled by a person with the relevant qualifications and experience, on two counts. Firstly, the construction of coastal works to combat erosion and, secondly, as development on land covered, or, in the normal course of tides, from time to time covered by sea water.

The requirement for an Environmental Impact Statement to support an application applies equally to works undertaken by the Government as it does to any other applicant, where the relevant legal provisions are triggered. There are Permitted Development Rights available to statutory undertakers under the Planning and Building (General Development) (Jersey) Order 2011, for example Part 6, Class C.1 grants planning permission for the placing and fixing of moorings, and for repairs and maintenance of ramps and other equipment.