

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY SENATOR S.W. PALLETT
QUESTION SUBMITTED ON MONDAY 12th APRIL 2021
ANSWER TO BE TABLED ON MONDAY 19th APRIL 2021**

Question

Will the Minister provide –

- (a) the current number of outstanding Enforcement Notices, Stop Notices, Condition Notices and Dangerous Building Notices under Articles 49 and 74 of the Planning and Building (Jersey) Law 2011;
- (b) a full list of each outstanding Notice as detailed in (a), including the date on which they were served and the property they relate to;
- (c) a full list of any and all outstanding Notices as detailed in (a) that have been referred to the Law Officers' Department for consideration of further legal action, and the date on which each referral was made;
- (d) the number of potential breaches of the Planning and Building (Jersey) Law 2002 that are currently being investigated by the Infrastructure, Housing and Environment (I.H.E.) Department and that may require enforcement action;
- (e) the number of officers that are currently dealing with enforcement issues within the I.H.E. Department; and
- (f) the number of officers that were dealing with enforcement issues within the Department on 1st May 2018?

Answer

The Minister has agreed with Senator Pallett that additional time is required to compile the data from the department's records. The Minister will request the States Greffe to circulate a comprehensive answer on Monday 26th April 2021.

Updated Answer – 30th April 2021

Note: The Minister confirmed in the initial response that additional time was required to compile the data from the Department's records, and it was agreed that the Minister would circulate a comprehensive answer on Monday 26th April 2021. It was then agreed that further time was required, and another extension of Friday 30th April 2021 was agreed.

- (a) The Department publishes on the gov.je website a Register of Notices (Development and Dangerous Buildings). The Register consists of Notices that have been served in accordance with Articles 49 and 74 of the Planning and Building (Jersey) Law 2011, since 1st January 2015.

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

- (b) The Register of Notices publishes the full notice served which details the date served, the property they relate to, and details of the breach.

- (c) All notices are referred to the Law Officers' Department for advice prior to being served. There are two notices currently outstanding which are being considered for prosecution. However, until these notices are confirmed we are unable to publish them. If they are confirmed, they will be made publicly available.
- (d) As of 14th April 2021, there were 260 cases open on the department's enforcement system. A case is opened when the Department is notified of a potential or suspected breach of the Law by a member of the public or another officer. Not all of these open cases have been reviewed by a Compliance Officer to date, thus some may be found to involve no breach. We are unable to quantify how many of the 260 open cases may require formal "enforcement action".

Members will recall that, in line with the department's published enforcement policy, most cases are resolved amicably, either by the removal of the breach of development controls or by the grant of retrospective planning permission. Few require the service of a formal notice, as can be seen by referring to the Register of Notices. Of the 260 cases open, 161 were lodged in 2020 during the COVID-19 pandemic, when staff resources were reduced, and thus form an exceptional caseload backlog which the department is addressing.

- (e) As of the 14th April 2021, there are 2 full time enforcement officers and 1 vacancy within the Planning and Building Compliance Team in Regulation Directorate, Infrastructure Housing and Environment.
- (f) On the 1st May 2018, there were 2 full time enforcement officers within the Planning and Building Compliance Team in the Department of the Environment.