

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 10th SEPTEMBER 2019**

Question

What powers does the Minister for the Environment have by law to –

- (a) stop applicants who have been granted planning / building development consents from not proceeding with developments either at all or within particular timescales; and
- (b) compel the owners of buildings where such consents have been granted from leaving their buildings in a state of disrepair that would potentially constitute an eyesore to the detriment of their neighbours or neighbourhood?

Answer

The relevant provisions are contained in the Planning and Building (Jersey) Law 2002 (“the Law”), which vests decision making power in the Chief Officer.

- (a) There is nothing in the Law to require a person to proceed with a development.

However, Article 23 of the Law permits a time limit to be placed on the period within which the development shall begin, after which the consent may lapse. Article 23 also provides for conditions to be attached which fairly and reasonably relate to the proposed development.

- (b) There is nothing in the Law to compel the owner of a building with planning consent to complete any development for which a consent has been granted.

However, under Article 39 of the Law, where a building is left in a state of disrepair, if that disrepair is due to development other than in accordance with either the conditions attached to the permission or the approved plans submitted for the purpose of the permission being granted, then the Chief Officer may issue an enforcement notice under Article 40 requiring the relevant person to remedy the breach of development controls.

Whether the state of disrepair of the building constitutes a breach of development controls will be determined on the facts of the case, taking into account a number of factors including, but not limited to, compliance with the conditions of the development consent and the reasons for any disrepair.

Article 44 of the Law provides sanctions for failure to comply with an enforcement notice.

Article 84 of the Law further provides that a notice may be issued requiring the repair or removal of a building “*in a ruinous or dilapidated condition*”. Whether a building is in such a condition will be a question of fact and the issuing of a notice will be at the discretion of the Chief Officer.

Such a notice may require the building or a specified part of the building to be demolished, repaired, decorated or otherwise improved within a certain time period. Failure to comply with the notice is an offence punishable on conviction by way of a fine.

