

24th November, 2020.

Connetable Michael Jackson,
Chairman,
Environment, Housing and Infrastructure Scrutiny Panel,
Scrunity Office,
States Greffe,
Morier House,
St Helier,
Jersey JE1 IDD.

Dear Mike,

Review of the Foreshore Encroachment Policy.

I refer to your letter of the 28th ultimo and respond to the numbered points in the second part thereof "ad seriatim".

1. Any conveyancer or lawyer dealing with properties adjoining areas affected by the foreshore would have been aware that the boundary of any such properties would be uncertain with it in many cases being given as the high spring tide mark which with the construction of various sea walls would at best be difficult to ascertain with the desired accuracy. The situation has of course been made more difficult by global warming and the changing levels of the high spring tide. There was held by one of IHE's predecessors (Public Works I believe) plans showing the approximate area which was claimed by the Crown but it is difficult to say how precise such plans were. It is my view that any lawyer or conveyancer should have at the very least drawn any potential purchaser's attention to such problems and the possible ramifications thereof.

2. It could be said that to a certain extent any owner of a property which has encroached on the foreshore has been unlucky in as much as the foreshore belonged to the Crown and it is not possible to get a prescriptive title by way of 40 years exclusive possession as would have been the case in most other forms of ownership. Many of the properties, especially along the Greve d'Azette coastline, were and are set up in such a way that the owners of those properties and their guests would, following the construction of the sea wall, have been the only persons able to access the affected parts of the foreshore and would have been able to claim ownership by 40 years possession "nee vi, nee clam, nee precario". It is a matter for the Minister of

Infrastructure to decide whether or not it is reasonable and fair to claim compensation in all cases. For example people who purchased in the 1950s or 1960s would have been less likely to have been made aware of the problem than those acquiring at a later date when the existence of the foreshore plan was more widely known.

3. Information was available but not well publicised and therefore the average person would not have been aware of the existence of the plans held by IHE (under its former identity). My view is that making such information as publicly available as possible can only be regarded as a positive move.

4. Yes I agree with such information being easily accessible as professional knowledge and should, if this is not already the case, be revealed in standard responses to usual conveyancing enquiry letters.

5. The only comments I feel able to make on this section is that I do believe, as indicated in 2 above, that each case should be judged on its merits.

Kind regards,

Yours sincerely,

B.F.H Le Feuvre