

2025.08.09

3.17 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding the former Nude Dunes restaurant at La Pulente (OQ. 200/2025):

Following the issuing on 7th August 2025 of two compliance notices by his department to the former Nude Dunes restaurant at La Pulente, will the Minister explain the rationale for why 2 months was allowed for compliance to be achieved; and will he also state whether it is his assessment that the current legislation for ensuring compliance is fit for purpose?

Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):

The authority to issue enforcement notices rests with the chief officer and not with myself as Minister. I am, therefore, not able to explain the chief officer's rationale for allowing the 2-month compliance period. Additionally, as I may be called upon to objectively determine an appeal proceedings that may result from this enforcement action, I am unable to comment on the appropriateness of the compliance period set by the chief officer. However, I can say that the Planning and Building (Jersey) Law 2002 provides for a wide range of powers to secure compliance with enforcement notices, including prosecution, injunction and works in defaults. I consider these powers fit for purpose in instances of non-compliance with notices.

3.17.1 Deputy J. Renouf:

Does the Minister accept that his answer and indeed the 2 months' compliance period risk the credibility of his department, at a time when people who do comply with planning rules would expect to see other people who do not have justice imposed on them pretty swiftly?

Deputy S.G. Luce:

Times that are used in enforcement notices and compliance are always difficult. I think it is always incumbent to make sure that a time period that is set for a period of time which is achievable, practically achievable, physically achievable. If it would be, for example, a future decision that I might take considering water standards, it may be that I have to set a time period which would allow the water company enough time to practically put in place the steps required. I could go on with any number of examples but I cannot talk about this specific case. But I would say that in any case one has to be fair to both sides. A time period has to be set in which it would be practical for the person to change whatever is being asked to be changed. I am sorry I cannot be a bit more specific.

[16:15]

3.17.2 Deputy M. Tadier of St. Brelade:

Speaking as an elected politician maybe rather than an enforcer, could the Minister confirm whether he understands the level of public dissatisfaction, not only in St. Brelade but throughout the whole Island, that a planning application which is being refused for change of use now, as many Islanders have said, the owner seems to be putting 2 fingers up to the planning system? I am not sure if that is parliamentary but that is what they have said in a public group. In fact there is an allegation that this is being used for Airbnb or some kind of residential use, even though it does not have that permission. That allowing 2 months for this to go on while there is still a long period of summer left is seen by many Islanders to be Government being weak when somebody simply decides to bypass the legitimacy of the planning process. Is that something the Minister, as a fellow politician, has sympathy with?

Deputy S.G. Luce:

It may well be the case but I am in a difficult situation when I stand here as Minister for the Environment and asked to have an opinion as a Back-Bencher. All breaches will be investigated by my Department, but I cannot control people's behaviour. If they wish to go off and do things, it is then incumbent upon my officers to go and investigate. If they find that things are not as they should be, the enforcement notices are issued and the person who has the enforcement notice issued has a period of time to rectify the thing they are being asked to change. I cannot really say more than that.

3.17.3 Deputy M. Tadier:

Because this relates to, I think, a level playing field, would it be correct for Deputy Renouf and myself to go back to our St. Brelade constituents and say to the many who are homeowners that it would be okay for them to put illegal structures on their premises and that they can expect a 2 months' grace period for those structures to stay before they will have to remove them from the Minister's department, or will there be different rules applied to those constituents who also wish to break the planning rules in future?

Deputy S.G. Luce:

As I have just said, the officers in my department will investigate all breaches and, if necessary, enforcement notices will be issued. If those enforcement notices are not complied with, that will then be taken to a step further, where evidence will be produced to show that the compliance has not taken place. Legal advice will be taken and a prosecution will hopefully follow. We will always pursue non-compliance, and I would like to think the department is always fair and treats everybody in an equal equitable way. But every case is different and unique, but in every case I would like to think that we are fair to the person that we are issuing the notice to, to make sure that where we do issue the notice with a time period, that that time period allows the person sufficient time to be able to put the situation correct.

3.17.4 Deputy J. Renouf:

I am not sure how members of the public are going to react when I have to explain that the Minister has not asked the chief officer why they have allowed 2 months. But perhaps he could explain whether he has asked what potential enforcement measures are available if the 2-month deadline is not met.

Deputy S.G. Luce:

The reason I have not asked my chief officer is that he went on leave before this question was received, and he is a rather long way away and I have not been able to contact him. But he does have, as I said before, various powers, including prosecution, injunction and works in default. When it comes to works in default, I can say to the Deputy - and I am sure he is aware - those powers are vested in myself as Minister and such an option would be subject to a Ministerial Decision. I would need to get the work priced and works in default, for Members' information, is where I undertake to do the work myself and then seek to reclaim that money from the person. It is not quite as straightforward as it may sound. One needs to be very careful and diligent about what work you are having done and you do not want to get yourself in trouble. But those are the options. In this particular case, as I have said before - I know this is the final question - but it is a live compliance matter and I really cannot comment any further.