

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY M. TADIER OF ST. BRELADE
QUESTION SUBMITTED ON MONDAY 23rd FEBRUARY 2026
ANSWER TO BE TABLED ON MONDAY 2nd MARCH 2026**

Question

“Will the Minister advise –

- (a) the current policy on taking action on breaches of planning enforcement notices where there is a live application on the property pending decision, and if no policy exists, explain why not;
- (b) what consideration, if any, has been given to denying submission of new planning applications whilst there is still a live enforcement notice in place on a property, and if no consideration has been given, explain why not; and
- (c) what, if any, areas for strengthening planning enforcement he intends to recommend in any legacy report for the next Minister?”

Answer

(a) There is no current specific policy regarding taking action on breaches of planning enforcement notices where there is a live application on the property pending decision. At present there is no legal mechanism to decline to determine pending planning applications where development is subject to enforcement action, although work is in train to bring forward proposed changes to the Planning and Building (Jersey) Law 2002 to introduce a suitable legal mechanism to prevent the submission of one or more applications when enforcement action has been taken – in this regard see (b) below. Similarly, there is no legal reason why enforcement action may not be taken when an application for planning permission is pending, although in practice enforcement action will usually be considered once an application has been determined, should the application have been submitted following engagement from the planning compliance team as part of a compliance investigation. At present, the decision of when to instigate formal or further enforcement action when a current planning application is pending, rests with the Chief Officer, and the Law Officers Department (should prosecution be the chosen option), based on case-specific professional judgement of officers. This allows each compliance case to be assessed on its own merits, taking material planning considerations and extent of harm into consideration in accordance with the Department’s adopted general policies on enforcement [Regulation Enforcement Policy](#) and Regulator’s Code [Jersey Regulators Code](#).

(b) As part of the Minister’s programme to reform the Island’s planning service and improve its efficiency and effectiveness, consideration has been given to introducing a mechanism that would allow the planning authority to decline to determine any subsequent planning application relating to land that is already the subject of an enforcement notice, where the matters raised in the application correspond to those in the notice and where the application is submitted outside the enforcement notice appeal process. This measure is intended to ensure that alleged breaches of planning control are dealt with within the established appeals framework, preventing unnecessary protraction or delay through parallel or repeat applications.

This proposal was included in the consultation on the review of the planning appeals system held between July and September 2025. Feedback was mixed, with approximately 40% of respondents supporting the proposal and around 30% opposed. ^[1]

The Minister has, nevertheless, decided that this change should proceed, and that a new provision should enable the authority to decline retrospective applications where the development is already the subject of an enforcement notice.

Work will now be undertaken with the Law Drafter's Office to prepare draft legislation for consideration by the States Assembly. It is anticipated that this will take place later in 2026

(c) The Regulation Directorate's compliance strategy is published [online](#). However I intend to publish an updated compliance strategy before the next elections, setting out the broad principles for planning and building compliance. This will provide transparency on the activities of the relevant compliance activities and processes, to those involved in the process. Since the middle of 2025 the Compliance team has been functioning with a full staff complement for the first time in a number of years, and the team has worked hard to reduce the number of pending investigations. At present, with the exception of (b) above, I consider the enforcement powers as contained in the Law are appropriate and provide a number of robust tools for enforcement, including the power to issue stop notices, prosecute and take direct action to effect the requirements of notices that have not been complied with. I therefore do not intend to make any recommendations to the next Minister specifically relating to the strengthening of enforcement powers.

^[1] <https://www.gov.je/Government/Consultations/Pages/PlanningServicesReform.aspx>