

General Information	
Ministerial Decision Type	Miscellaneous
Report Title	Environmental Impact Statement Waiver - P/2024/0696 - Underpin sea wall and beach access steps, create sea defence to allow land & habitat restoration.
Minister	Minister for the Environment
Signatory	Minister
Lead Department	Infrastructure and Environment (I&E)
Lead Directorate	Regulation (I&E)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Planning Applications Manager
Date of Report	07/02/2025
Supplementary Report Title <i>(If applicable)</i>	
Supplementary Report Author <i>(If applicable)</i>	
Date of Supplementary Report <i>(If applicable)</i>	Select Date of Supplemental Report. Select Date of Supplemental Report.
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	P/2024/0696
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Planning and Building (Environmental Impact) (Jersey) Order 2006

Action required if recommendation agreed	Department to take necessary action.
Resource Implications	There are no new financial and/or manpower implications.

Introduction

The applicants for the above application relating to Portelet Bay Café and adjacent land, have requested that the Minister for the Environment waive the requirement for an Environmental Impact Statement on the grounds that the application is for repair and maintenance only.

Under Article 2(4) of the Planning and Building (Environmental Impact) (Jersey) Order 2006 development mentioned in paragraph (1) or paragraph (3) of Art.2 is not prescribed development for the purpose of Article 13(1)(a) of the Law if the Minister is satisfied that by virtue of factors such as the nature, size or location of the proposed development it would be unlikely, if carried out, to have a significant effect on the environment, either of Jersey or elsewhere.

The Minister has been briefed, and has reviewed the documents and consultation responses published on the Planning register.

Recommendation

That the Minister considers the material and information submitted with the application and decides whether to waive the requirement for the application to be accompanied by an EIS under Schedule 1, Article 2(1) of The Planning and Building (Environmental Impact) (Jersey) Order 2006.

Decision

The Minister has decided not to waive the requirement for an EIS under Schedule 1, Article 2(1) of The Planning and Building (Environmental Impact) (Jersey) Order 2006.

Reason for decision

The Minister has reached this conclusion on the basis that the application triggers the requirement for an EIS under Schedule 1, Article 2(1) of The Planning and Building (Environmental Impact) (Jersey) Order 2006 on two counts:

- (14) The construction of coastal works to combat erosion, (but not the maintenance and reconstruction of such works)
- (12) Any development on land covered or, in the normal course of tides, from time to time covered by sea water.

On review of the information submitted with the application, the Minister is NOT satisfied that by virtue of factors such as the nature, size or location of the proposed development it would be unlikely, if carried out, to have a significant effect on the environment, either of Jersey or elsewhere, and an EIS is therefore required.