



16 November 2015

## Review of Permitted Development

The Minister for Planning and Environment has asked for a review of what people can do without applying for planning permission, known as 'Permitted Development'. (If what you want to do falls outside the list of permitted development, you will need to apply for planning permission.)

Deputy Steve Luce has instructed the Planning Department to review the following: the Planning and Building (General Development) (Jersey) Order 2011, the Planning and Building (Display of Advertisements) (Jersey) Order 2006, and the Planning and Building (Moveable Structures) (Jersey) Order 2006.

### ***Why we are doing this review***

1. The Minister for the Environment is keen to extend permitted development rights to assist small businesses and home owners, to reduce regulation and foster economic growth.
2. In 2010 and 2013 independent reviews were carried out of the development control process. These recommended extending permitted development rights to make the planning process more efficient.
3. The Orders have been in place for a number of years and it had become apparent that some improvements could be made.

### ***What we have done so far***

Earlier in the year we held a number of workshop sessions with stakeholders to seek their views on non-contentious areas where we could expand permitted development. We listened to our stakeholders and based on those suggestions, we proposed a number of changes in June this year. Those proposed changes went to the Law Draftsman who produced draft amendments to the three Orders.

The amendments were issued for public consultation. We also held more workshop sessions with stakeholders to seek their views on the proposed amendments.

### ***We asked you***

We asked you for your opinions on the proposed amendments to the Orders through a formal consultation survey which was available from September to November this year. 42 people responded to the survey online.



Workshop sessions were also held to go through the proposed changes and to seek views on whether those changes and the conditions drafted were reasonable or otherwise. 22 people contributed to the stakeholder sessions and the following organisations sent one or more representatives to each session.

- Association of Jersey Architects
- Independent agents, architects and consultant planners
- Construction Council
- Chamber of Commerce
- Jersey Business
- Renewable Energy company
- Signwriting company
- Société Jersiaise
- National Trust for Jersey
- States of Jersey Departments including Environment, Health & Social Services, Transport and Technical Services, Home Affairs.

## ***What you said***

The majority of stakeholder and survey respondents welcome the proposed changes and agree that they will reduce unnecessary restriction in the planning process.

However, not all respondents agreed. Some felt that the proposed changes did not go far enough to reduce the red tape that is considered a barrier to business. There was a reasonable amount of caution too; many participants felt that the changes will bring about a reduction in the quality of our Island's built environment, but this was understood as a consequence of de-regularisation in our planning system. All the views have been summarised in this document.

We have listened to all suggestions and viewpoints, and they are summarised in this document. We have also offered our response to what has been said in this document as well.

## ***What's next?***

The Minister will review the proposed amendments and all consultation responses in November. The amendments will be sent to the Law Draftsman for final drafting. The Minister will consider the final Orders in December 2015. If the Minister agrees, he will sign a Ministerial Decision to enact the Orders. The Orders will then come into force in January 2016.

We will tell you if the Minister signs the Orders.

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## ***Commercial Glasshouses***

**Proposal DM.2** Currently domestic and commercial glasshouses can be demolished without planning permission. Due to the risk of contaminated land on commercial glasshouse sites, the allowances for commercial glasshouses have been removed. Only domestic glasshouses can be demolished without planning permission.

**What you said...** All respondents agreed that derelict commercial glasshouses have a significant, negative impact on the landscape of the countryside. Respondents were divided on how best to tackle this problem - whether commercial glasshouses should be permitted or whether planning permission and remediation should be required.

38% of respondents consider it reasonable to require planning permission for the demolition of commercial glasshouses to ensure that the site is properly remediated. Some respondents felt that planning should have powers to force derelict glasshouses to be removed as they have a significant impact on the countryside. However 51% of respondents feel that this demolition should be permitted to encourage these derelict, eyesores to be removed. Some respondents felt that if planning permission was required, that no fee should be charged.

**Our Response...** We carefully considered the points raised and took professional advice on this point. Commercial glasshouse sites have a number of potential contaminants from their historic use, such as broken glass, lead-based paints of the framework, use of historic herbicides/ pesticides/ chemicals, heating elements, or the de-commissioning of fuelling rigs/ boiler houses. When a commercial glasshouse site is demolished, it should be ensured that all waste is fully removed from the site and disposed of appropriately, that any potential contaminants (listed above) is removed and the land is returned 'fit for use' for the purpose of agriculture. Because of these reasons, we believe that planning permission should be required for the demolition of commercial glasshouses and we will be recommending this amendment as drafted.