



Jersey

## PLANNING AND BUILDING (MOVEABLE STRUCTURES) (JERSEY) ORDER 2006

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## PLANNING AND BUILDING (MOVEABLE STRUCTURES) (JERSEY) ORDER 2006

*Made*

*28th June 2006*

*Coming into force*

*1st July 2006*

**THE MINISTER FOR PLANNING AND ENVIRONMENT**, in pursuance of Articles 81 and 124 of the Planning and Building (Jersey) Law 2002<sup>1</sup>, orders as follows –

### **1 Interpretation**

In this Order –

“application” means an application made in accordance with Article 3(2) or Article 9(1);

“by local advertisement”, in respect of an application, means in a manner –

- (a) that is likely to bring the application to the attention of the public of Jersey;
- (b) that advises members of the public of Jersey where they may obtain further details of the application; and
- (c) that advises members of the public of Jersey of the manner in which they may provide representations to the Minister in respect of the application;

“by site display”, in respect of a notice, means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“Law” means the Planning and Building (Jersey) Law 2002;

“protected site” means –

- (a) a site of special interest; or
- (b) a building included on a register published by the Minister of buildings of architectural, archaeological or historic interest.

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## **2 Application**

This Order applies to a moveable structure that is used for human habitation and is to remain on the same land –

- (a) for 14 consecutive days or more; or
- (b) for 28 days or more in any period of 12 consecutive months.

## **3 Permission required to erect or station a moveable structure on land**

- (1) A person must not erect or station on land a movable structure to which this Order applies except with and in accordance with the permission of the Minister.
- (2) An application for the permission of the Minister must be made to the Minister by the occupier of the land and (if different) by the owner of the land.

## **4 Publicity for applications**

- (1) An application must be publicized in accordance with this Article.
- (2) All applications will be publicized by the Minister by local advertisement.
- (3) An application must also be publicized by the applicant giving requisite notice by site display in at least one place on or near to the land or building where the moveable structure will be erected or stationed.
- (4) The notice –
  - (a) must be displayed within 3 days of the applicant receiving from the Minister an acknowledgement of the receipt of the application; and
  - (b) must be displayed for at least 21 days.
- (5) In paragraph (3) “requisite notice” means notice in the form set out in Schedule 1 or in a form substantially to the like effect.
- (6) This Article does not apply to any change in an application where the Minister has advised the applicant that the change is so minor that the change does not need to be publicized in accordance with this Article.

## **5 Evidence of compliance**

- (1) An applicant must show the Minister that the applicant has complied with Article 4(3) and (4) by requisite notice given to the Minister accompanied by a copy of the relevant site notice displayed by the applicant.
- (2) Article 10 of the Law shall apply to a notice given under paragraph (1) and the site notice accompanying it as if they were part of an application for planning permission.
- (3) In paragraph (1) “requisite notice” means notice in the form set out in Schedule 2 or in a form substantially to the like effect.

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**6 Providing representations in respect of an applications**

- (1) Except as provided by paragraph (4), any representation in respect of an application must be provided to the Minister within 21 days of the application –
  - (a) first being publicized by the Minister by local advertisement in accordance with Article 4(2); or
  - (b) first being publicized by site display by the applicant in accordance with Article 4(3),whichever is the later.
- (2) A representation must be provided in writing and must contain the name of the person providing the representation and details of how the person may be contacted.
- (3) It may contain such other information as the person providing the representation considers appropriate.
- (4) If the Minister considers that it would be in the public interest to do so, the Minister may extend the period of 21 days mentioned in paragraph (1) by such further period as the Minister consider appropriate.
- (5) The Minister may do so before or at any time after the end of the period of 21 days.

**7 Grant of permission to erect or station a moveable structure**

- (1) When considering an application the Minister –
  - (a) will take into account all representations made to him or her; and
  - (b) will also take into account all material considerations including the effect the proposed moveable structure would have on the environment generally and in particular on the environment of any protected site; and
  - (c) will not grant permission to erect or station a moveable structure in a way that is inconsistent with the Island Plan unless he or she has been satisfied by the applicant that there is sufficient justification for doing so.
- (2) The Minister may –
  - (a) grant permission to erect or station a moveable structure on land unconditionally or subject to conditions; or
  - (b) refuse to grant the permission sought.

**8 Conditions attached to the grant of permission to erect or station a moveable structure**

The conditions the Minister may attach to the grant of permission to erect or station a moveable structure on land will fairly and reasonably relate to the proposed erection or stationing of the moveable structure and may, in particular –

- 
- (a) control the type of movable structure that may be erected or stationed on the land;
  - (b) regulate the position in which the movable structure is erected or stationed on the land;
  - (c) require measures be taken to prevent and detect the outbreak of fire;
  - (d) require that adequate sanitary and other facilities, services and equipment are available for the use of people using the movable structure.

**9 Minister may grant permission for moveable structure already erected or stationed**

- (1) The Minister may, on an application made to the Minister, grant permission to erect or station a moveable structure on land where the moveable structure is already erected or stationed on the land –
  - (a) without permission from the Minister; or
  - (b) without complying with a condition subject to which permission was given.
- (2) The Minister may grant permission under paragraph (1) to have effect from the date the moveable structure was erected or stationed on the land.

**10 Revocation and modification of permission**

- (1) The Minister may revoke or modify permission given under this Order by giving the occupier of the land to which it relates at least 7 days written notice.
- (2) If permission is revoked in accordance with paragraph (1), the occupier of the land must remove the moveable structure or cause it to be removed before the end of the period specified in the notice.
- (3) If a notice under paragraph (1) requires any modification to be made to or in respect of a moveable structure, the modification must be made before the end of the period specified in the notice.
- (4) Articles 27(5) – (10) and 116 of the Law (in respect of compensation and appeals) shall apply to a decision by the Minister to revoke or modify his or her permission given under this Order as if it were a decision to revoke or modify planning permission.

**11 Citation and commencement**

- (1) This Order may be cited as the Planning and Building (Movable Structures) (Jersey) Order 2006.
- (2) It shall come into force on 1st July 2006.

**SENATOR F.E. COHEN**

*Minister for Planning and Environment*

**SCHEDULE 1**

(Article 4(5))

**SITE NOTICE**

**NOTIFICATION OF AN APPLICATION FOR  
PERMISSION TO ERECT OR STATION A  
MOVEABLE STRUCTURE ON THIS LAND**

<b>Name and address of applicant</b>	
<b>Details of proposed moveable structure</b>	

**FURTHER DETAILS OF THE PROPOSED MOVEABLE STRUCTURE**

Further details of the proposed moveable structure may be viewed at the offices of the Planning Department at South Hill, St. Helier, at the Parish Hall of the Parish in which this land is situated or on the Planning Department's website – [www.gov.je/PlanningEnvironment](http://www.gov.je/PlanningEnvironment)

**HOW TO PROVIDE A REPRESENTATION**

Any person may, with 21 days of the first display of this notice, provide the Minister with a representation in respect of the application.

It must be provided in writing to the Minister for Planning and Environment c/o The Planning Department, States Offices, South Hill, St. Helier JE2 4US or by email to [planning@gov.je](mailto:planning@gov.je)

It must contain your name and details of how you can be contacted.

It may also contain such other information as you consider appropriate.

**SCHEDULE 2**

(Article 5(3))

**CERTIFICATE OF COMPLIANCE**

<b>CERTIFICATE OF COMPLIANCE</b>	
<b>Name and address of person giving certificate</b>	
<b>Brief details of proposed moveable structure</b>	
<b>Date site notice first displayed</b>	
<p><b>I certify that a site notice, a copy of which is attached, was displayed on the site of the proposed advertisement in such a way as to be easily visible and legible by members of the public for at least 21 days.</b></p> <p><b>Signature:</b></p> <p><b>Date:</b></p>	



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<sup>1</sup>

*L.36/2002*