

MINISTER FOR PLANNING AND ENVIRONMENT

MINISTERIAL DECISION MD/P&E/2013/0116

A New Appeals Process against Decisions made under
the Planning and Building (Jersey) Law 2002

Amendments to the Law to allow the new process to
commence

Following the State's debate on 11 September 2013 in connection with the adoption of a merits based appeals process (P87/2013) the Minister for Planning and Environment would like Planning and Building (Jersey) Law 2002 to be amended to allow for the following

Appeals to be considered on their merits for the following decisions taken under the Law

- The refusal to grant planning permission
- The granting of planning permission – appeal by a third party.
- The refusal to approve or amend an application for planning permission for development which has already taken place
- The refusal to vary a previously approved application for planning permission
- The refusal to grant a certificate of completion (confirming a development has taken place in accordance with a previously approved planning permission)
- The refusal to grant building bye-laws approval
- The refusal to grant permission to undertake particular activities on/in/under a site of special interest.
- The refusal to grant permission for the importation or use of a caravan in Jersey
- The imposition of a condition on any permission granted by the Minister

Decision Summary

- The revocation or modification of a planning permission
- The service of notices (except stop notices) which require actions
- The service of stop notices where the stop notice stays in effect pending the outcome of the appeal
- The inclusion of buildings / places / trees on relevant lists for their protection
- The actions of the Minister in entering a building to undertake works necessary to reduce or remove any danger presented by the building.

The Law should then allow for

- The Minister to make the decision on an appeal on all occasions but only following consideration of the issues raised in the appeal by an independent Inspector
- The Minister to allow an appeal in full or in part
- The Minister's ability to refer an appeal back to an Inspector for further consideration
- Appeals to be administered through and by the Judicial Greffe who will appoint an Inspector to consider the case. The role and powers of the Inspector should be defined
- After the expiration of a prescribed period an applicant can require the Minister to determine an application within 28 days of being requested to make that determination.
- A fee to be paid to accompany and validate an appeal
- The ability for the Minister to call-in applications straight into the appeal process, including proposals that are departures from the Island Plan

Arrangements should also be put in place that allow for Requests for Reconsideration (RfR) by the Planning Applications Panel (PAP) of an application for planning permission determined under delegated powers by officers on the merits of the case.