



Supplementary Planning Guidance: policy note  
**Time limited planning permission**

September 2016

## About supplementary planning guidance

The Minister for the Environment may publish guidelines and policies (supplementary planning guidance) in respect of; development generally; any class of development; the development of any area of land; or the development of a specified site<sup>1</sup>.

Supplementary planning guidance may cover a range of issues, both thematic and site specific, and can provide further detail about policies and proposals in the Island Plan and other issues relevant to the planning process. It can also be used to provide information about how the planning system operates.

Where relevant, supplementary planning guidance will be taken into account, as a material consideration, in making decisions.

Supplementary planning guidance is issued in a number of different forms including:

- **Advice notes**, which offer more detailed information and guidance about the ways in which Island Plan policies are likely to be operated, interpreted and applied in decision making;
- **Policy notes**, which can be issued by the Minister, following consultation with key stakeholders, in-between reviews of the Island Plan, to supplement and complement the existing planning policy framework;
- **Masterplans, development frameworks and planning briefs** provide more detailed information and guidance about the development of specific sites and areas of the Island; and
- **Practice notes**, which aim to provide information about how the planning system's protocols and procedures operate.

The current supplementary planning guidance is listed and can be viewed on the States of Jersey website at [www.gov.je/planningguidance](http://www.gov.je/planningguidance).

Hard copies of all supplementary planning guidance can be obtained from Planning and Building Services, Department of the Environment, South Hill, St Helier, JE2 4US, telephone: 01534 445508 email: [planning@gov.je](mailto:planning@gov.je)

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<sup>1</sup> Under Article 6 of the Planning and Building (Jersey) Law

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## **Introduction**

All planning permissions granted are subject to a condition which imposes a time limit within which the approved development must commence [the period of commencement].

If the development is not started within the period of commencement then the planning permission, in effect, expires and a new planning application would need to be made, and approved, if the development were to progress at a later date. This allows a development proposal to be reconsidered in light of any material change in circumstance, such as a change in policy, but also encourages applicants to implement their permission within a reasonable time-scale.

This policy introduces a standard period of commencement of three years from the date of decision.

## **What do we mean by ‘commencement’?**

There is no legal definition of commencement in Jersey Planning Law. However, for the purposes of this policy, ‘commencement of development’ is taken to mean:

*The moment at which the carrying out of any element of lawful development including building, engineering, mining or other operation on, over or under the land or, the material change of use of a building or land, approved by a planning permission would have required planning permission in its own right<sup>2</sup>.*

This interpretation does not include the carrying out of development that would be ordinarily permitted by a Development Order, such as the Planning and Building (General Development) (Jersey) Order 2011.

## **Status of guidance**

This supplementary planning guidance (SPG) has been prepared in the context of the Planning and Building (Jersey) Law 2002. It complements the planning policy framework provided by the Island Plan and is a material consideration in the issuance of decision notices following the grant of planning permission. The SPG only applies to planning permissions granted after its adoption and does not affect permissions granted prior to that date.

## **Who is the guidance for?**

This guidance is, primarily, for decision makers in the planning process. However, it is also intended to inform applicants, developers and the local community of the change in practice.

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<sup>2</sup> Article 5 of the Planning and Building (Jersey) Law expands on the definition of ‘development’

## **Context**

Article 23 of the Planning and Building (Jersey) Law 2002 [the Law], gives the Department the power to impose conditions on a planning permission. Such conditions often relate to the type of materials to be used in the development; restrictions on the use of a new building or its operating times; and, to land restoration or landscape schemes.

Article 23(3)(b) of the Law states that a condition may also relate to the period in which the development shall be begun. The Law does not stipulate any specific period of commencement and, until now, there has not been any policy basis for specifying such a period.

## **The need for change**

It has been established practice in Jersey to impose a standard condition on planning permissions limiting the period of commencement to five years from the decision date. However, the Department is aware that in times of economic uncertainty an applicant may choose not to commence development within the period but will, instead, seek to 'renew' the permission before it lapses by applying to have the standard condition varied to give a longer period of commencement.

This practice can create a 'land-bank' of sites that have planning permission for development but where no development actually takes place as developers wait for land values to rise or wait for a more certain economic future. It also results in the Department not being able to accurately establish the extent to which the various policy targets set out in the Island Plan and related supplementary planning documents are being met.

One of the strategic priorities of the States is the improvement of St. Helier through the encouragement of private investment, the removal of barriers to regeneration and the maintenance and enhancement of the public realm<sup>3</sup>. In reducing the period of commencement for new developments, the Department hopes to encourage a higher implementation rate of approved developments and, in doing so, to stimulate investment into St. Helier and to promote a more dynamic economy.

## **Policy**

In order to bring more certainty to the development process and to increase accuracy of Plan monitoring, the Department wishes to increase the incentive for developers to start works on site in a shorter period of time following the grant of planning permission. This will also reduce the extent of land-banking. To this end, the Department will no longer allow applicants to simply 'roll-forward' their planning permission

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<sup>3</sup> 2015 – 2018 States of Jersey Strategic Plan

by applying to have the standard condition varied to extend the period of commencement. Accordingly, applicants will have to re-apply for planning permission if the period of commencement expires without the approved development having started on site.

This policy, which will apply to all but the most exceptional cases, reduces the commencement period to three years. In the case of permission in outline, an application for approval of reserved matters will be required within one year of the original decision date with a further two years being allowed for commencement<sup>4</sup>.

### **Policy: Time limited planning permission**

Planning permission in detail will be granted subject to a standard condition limiting the period of commencement to a maximum of three years following the date of the decision.

Planning permission in outline will be granted subject to a standard condition limiting the period of commencement to a maximum of three years following the date of the decision. An application for the approval of all reserved matters shall be made within one year of the original decision date.

Shorter, or longer, periods of commencement will only be considered in exceptional circumstances where the specific nature of the site or the proposal justifies a non-standard period of commencement.

Applications seeking to vary a condition relating to the period of commencement will not be approved except where it is demonstrated to satisfy a proven Island need in terms of the site, the proposal or benefit to the community.

### **Contact:**

#### **Planning and Building Services**

Department of the Environment  
South Hill, St. Helier. Jersey JE2 4US

t: 01534 445508

e: [planning@gov.je](mailto:planning@gov.je)

w: [www.gov.je/planningbuilding](http://www.gov.je/planningbuilding)

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<sup>4</sup> Article 19(4) of the Law makes provision for planning permission to be granted in detail or in outline. In the case of permissions in outline, article 19(6)(b) of the Law requires that the permission shall specify a period of time within which an application for the approval of matters reserved for future approval shall be made.