

STATES OF JERSEY



ISLAND PLAN 2011: APPROVAL (P.48/2011): AMENDMENT (P.48/2011 Amd.) – AMENDMENT

**Lodged au Greffe on 17th June 2011
by the Minister for Planning and Environment**

STATES GREFFE

1 PAGE 2 –

For the word “normally” substitute the word “initially”.

2 PAGE 2 –

Delete the words “with any extension being conditional upon the full ground works being completed during the 3 year period”.

MINISTER FOR PLANNING AND ENVIRONMENT

NOTE:

This amendment has been lodged by the Minister for Planning and Environment for less than 6 weeks before the start of the debate in accordance with the provisions of Article 4A of the Planning and Building (Jersey) Law 2002. Paragraphs 4A(2), (3) and (4) are in the following terms –

4A Procedure for and following lodging of draft Island Plan

- “(2) An amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 8 weeks.
- (3) An amendment to an amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 6 weeks.
- (4) Paragraph (2) or (3) does not apply to an amendment lodged by the Minister if the States agree that the amendment may be debated forthwith or on a day or at a time approved by the States.”

In accordance with the provisions of paragraph (4) the Minister for Planning and Environment will seek the agreement of the States to debate this amendment during the debate on the ‘Island Plan 2011: approval’ (P.48/2011).

REPORT

The Minister for Planning and Environment is minded to accept the proposed amendment, subject to a further amendment of his own: which is supported by the independent planning inspectors.

The Minister accepts the principal thrust of the proposed amendment to initially limit the validity of planning permission for development proposals that are to be impacted by Policy H3, to 3 years. This will enable the development industry a reasonable period of time in which to implement residential planning permissions. The 'standard' validity of a planning permit is 5 years.

In the event, however, that developers are seeking to 'sit' on consents, in order to ensure that they are not subject to a more onerous requirement to deliver affordable homes as the thresholds for the provision of affordable homes increases over time, the Minister will keep the matter under review during the lifetime of the Plan. His further amendment to the supporting text makes his intent to do this clear.

The notion that the duration of a planning permit may be extended where ground works have been completed is flawed, and thus, should not be included in the Plan: the Minister's further amendment removes reference from the original amendment. The reasons for this are that –

- first, once ground works have been implemented, a development is deemed to have commenced and there is no requirement then to apply for further permission, as the original permission has begun to be implemented; and
- second, in the event of a permit lapsing, a new application is required to be made: the extension of a permission is normally only applicable to time-limited temporary permissions.

Financial and manpower implications

There are no additional financial or manpower implications arising from this amendment to the amendment.