

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 10th SEPTEMBER 2019**

Question

Will the Minister advise members what legislation and policies apply to the display of site notices advising the public of planning applications; will he explain whether planning permission would be invalidated if any such legislation or policies were not adhered to and, if it were not, will he explain why not?

Answer

The requirements for advertising planning applications are set out in Article 11 of the Planning and Building (Jersey) Law 2002, which reads

11 Manner in which application for planning permission is to be publicized^[39]

- (1) The Minister shall by Order prescribe the manner in which –
 - (a) an application for planning permission shall be publicized or otherwise notified; and
 - (b) representations may be provided by members of the public.
- (2) For the purpose of paragraph (1) an application for planning permission shall be taken to include any environmental impact statement relating to the application prepared and provided in accordance with Article 13.
- (3) No decision shall be taken on an application for planning permission unless the application has been publicized or notified in the prescribed manner, and the applicant may be required to provide evidence of such publication or notification.^[40]
- (4) In determining the application there shall be taken into account any representations provided by members of the public in the prescribed manner.

and Article 2 of the Planning and Building (Application Publication) (Jersey) Order 2006, which reads

2 Publicity for applications for planning permission

- (1) An application for planning permission made under Article 9 of the Law must be publicized in accordance with this Article.
- (2) All applications for planning permission will be publicized by local advertisement.^[41]
- (3) An application for planning permission 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 to which the application relates.
- (4) The notice –
 - (a) must be displayed within 3 days of the applicant receiving an acknowledgement of the receipt of the application; and
 - (b) must be displayed for at least 21 days.^[5]
- (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 for planning permission where the Chief Officer has advised the applicant that the change is so minor that the change does not need to be publicized in accordance with this Article.

Members are advised that I intend to adopt amendments to this Order, clarifying the period within which representations may be made and amending the requirement for the position of site notices. The intention is to require notices to be visible from a public place, if practicable, with the final judgement of acceptability resting with the Chief Officer.