

Recommendations of the Shepley Report into the Planning Process
Response of Minister

RECOMMENDATION	RESPONSE
<p>Corporate issues</p> <p>1. I recommend that both the Department itself and the Corporate Management Board should actively consider ways in which the Planning Department can play a more central role in policy making. p 12</p> <p>The Island Plan</p> <p>2. I recommend that a Public Examination, based on the "Examination in Public" style employed elsewhere in the UK, should be used to examine future rounds of changes to the Island Plan. p 13</p> <p>3. I recommend that it should not be possible to ask the Committee to alter the policies in the Island Plan simply by a proposition in the States Assembly. The proper way to make change is at the review stage, with thorough consultation. The alternative is to seek a full report from the Officers channelled through the Planning Committee (or Minister) with an opportunity where necessary for the public to comment. p13</p>	<p><i>The appointment of a planner as CEO with representation on CMB should ensure more central role.</i></p> <p><i>Urban Task Force and Waterfront have given planning a higher profile at the centre of affairs.</i></p> <p><i>Incorporated in new Planning and Building Law.</i></p> <p><i>This would require change in Standing Orders.</i></p> <p><i>Procedurally, propositions are referred to the Minister for comment, which usually involves a full report.</i></p>
<p>Policy making</p> <p>4. I recommend that in the future allocation of resources greater emphasis should be given to the production of supplementary planning guidance, including a Plan for St Helier, advice notes and design guidance for applicants, and further advice on the implementation of the Island Plan. p 16</p> <p>5. I recommend that where the Council of Ministers takes decisions on planning policies this should normally be done in public. p 16</p> <p>6. I recommend that where the Minister takes a decision on policy the reasons for it should be published</p>	<p><i>Agreed, but other political priorities often take precedence diverting resources from this essential task.</i></p> <p><i>This is likely to be infrequent, as policy decisions on planning matters should be made by the Minister, or for Development Plans by the States. It is open to CoM to decide to meet in public.</i></p> <p><i>This is a requirement of the new system for recording ministerial decisions.</i></p>

<p>and made clear. p 16</p> <p>Development Control</p> <p>7. I recommend that a review is carried out of the level of detail in development control with a view to introducing a lighter touch. p 18</p> <p>8. I recommend that the level of exemptions is re-examined, with reference to the levels of permitted development currently in operation in England, and that the level of exemptions is raised significantly. p 19</p> <p>9. I recommend that when a legislative opportunity occurs measures should be introduced to enable the Department to decline to deal with applications which are very similar to proposals which have been rejected within the last two years (or some other specified period). p 20</p> <p>Consultation</p> <p>10. I recommend that a single point of contact should be established, presumably in the Department for Transport and Technical Services, for all highway consultations. p 20</p> <p>11. I recommend that consideration should be given again to bringing the relevant responsibilities of Health Protection within the Environment Department. p 21</p> <p>12. I recommend that the site notice system (for informing the public of planning applications) is monitored carefully and that the idea of neighbour notification is considered further in the future. p 22</p> <p>13. I recommend that where representations are to be made to the Committee an equal opportunity should be afforded to all parties, for or against the proposal, to put their views forward. p 22</p> <p>14. I recommend that the internet should be the main source of information for States Members on planning applications and that Members</p>	<p><i>This is still to be done.</i></p> <p><i>The Exempted Operations Regulations 2002 and other Regulations need to be re-made as Orders under the new law, and we are currently considering lifting the threshold of regulation</i></p> <p><i>The Minister is to consider a law amendment which will deal with this.</i></p> <p><i>No progress on this to date</i></p> <p><i>No action to date, and political opposition likely</i></p> <p><i>The Minister will make an Order to this effect for when the new Law comes into force.</i></p> <p><i>Agreed. This is likely to become the norm when Planning Applications panel meeting go open.</i></p> <p><i>Agreed. Ministers are advised of new applications by e-mail.</i></p>
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<p>should be assisted if necessary in knowing the means of accessing and using this information. p 22</p>	
<p>Delegation</p>	
<p>15. I recommend that in reviewing the delegation system to take account of the new arrangements (the Ministerial system), Members should seek to increase the proportion of items delegated to Officers. p 23</p>	<p><i>To be reviewed by the Minister in due course, once he and the Panel become more familiar with the planning process</i></p>
<p>The Committee/Panel</p>	
<p>16. I recommend that at the time of the introduction of the new system (Minister and open Committee meetings) a major effort should be made through the local media to explain how it will operate and to stress the benefits in terms of openness and fairness of the new processes. p 23</p>	<p><i>Press release, and possible seminar for regular users, prior to the introduction of the law</i></p>
<p>17. I recommend that the size of the Panel should be kept under review and that the possibility of enlarging the Panel should be considered. p 24</p>	<p><i>The Minister is to consider a law amendment to deal with this.</i></p>
<p>18. I recommend that consideration is given to moving to a three week Committee cycle p 24</p>	<p><i>This is intended when the new Law comes into force – possibly even 4 weeks</i></p>
<p>19. I recommend that the rule that there should be no discussion of the merits of a case at site visits should be strictly enforced and that the applicant or agent should not be permitted to address Members on site visits other than to point out factually the relevant features of the site. p 25</p>	<p><i>Agreed. It is likely that site visits will become "unaccompanied" and objectors and applicants will have the right to make an oral representation to the panel when its meetings become open to the public</i></p>
<p>20. I recommend that a document similar to (but less detailed than) the Code of Conduct should be prepared for all States Members. p 26</p>	<p><i>Agreed, but objection from members may be an obstacle</i></p>
<p>21. I recommend that training should be provided for all States Members in order to ensure that they have a full understanding of the planning function, its complexities and opportunities. p 26</p>	<p><i>Agreed. Certainly, the Minister and members of the Panel need training on taking office</i></p>
<p>22. I recommend that a "cooling off" period, as recommended in the Canavan Report, should be</p>	<p><i>Already in place</i></p>

<p>introduced where Members are disinclined to accept the recommendations of officers on a substantive matter, to enable a further report to be prepared. p 27</p>	
<p>Targets</p>	
<p>23. I recommend that over a period of three years the target should be raised so that 80% of applications are determined in eight weeks, with the figure of 90% at thirteen weeks remaining unchanged. p 27</p>	<p><i>Agreed, provided adequate resources remain in place</i></p>
<p>24. I recommend that for very large applications, or any case where the thirteen week target is clearly likely to be exceeded substantially, a specific plan with timescales and milestones should be produced and agreed with the applicant and with consultee Departments. p 28</p>	<p><i>Agreed. To be implemented</i></p>
<p>Appeals</p>	
<p>25. I recommend that the proposal for a separate appeals tribunal should be revisited in due course. p 32</p>	<p><i>Agreed, but likely to be resistance from States members principally on cost grounds</i></p>
<p>26. I recommend that the proposal for an alternative system within the Royal Court for dealing with planning cases should be pursued with urgency. p 34</p>	<p><i>New Royal Court Rules likely to be introduced in July, concurrently with the coming into force of the new law</i></p>
<p>27. I recommend that the system of "requests for reconsideration" be terminated and that this should be done at the same time as the introduction of a simplified system in the Royal Court. p 34</p>	<p><i>Recommend delay until, and if, the new Royal Court process becomes genuinely "accessible"</i></p>
<p>28. I recommend that third party appeals are not introduced for the time being and that the position is reviewed when the currently proposed reforms have been in place for (I would suggest) a period of five years. p 36</p>	<p><i>Agreed</i></p>
<p>Staff</p>	
<p>29. I recommend that efforts should be made to provide opportunities for more junior staff in development control to gain wider experience, through job swaps or secondments to other Authorities. p 37</p>	<p><i>Agreed in principle, but difficult to implement. Possibility of link with Southampton City Council (new CEO's current employer) for short-term secondment</i></p>
<p>Enforcement</p>	

<p>30. I recommend that a cut-off period of five years for enforcement action should be introduced. A similar cut off point should be introduced for property searches. p 38</p>	<p><i>Agreed in principle, but 8 years preferred for Building Control purposes. Minister has given law-drafting instruction</i></p>
<p>Historic Buildings</p>	
<p>31. I recommend that an exercise is carried out to assess whether the number of protected buildings stands at the right level and whether the level of detail in dealing with such developments affecting such buildings is appropriate. p 39</p>	<p><i>Worthwhile, but potentially a major exercise which will require additional resources for external review</i></p>
<p>Cross Departmental issues</p>	
<p>32. I recommend that urgent steps are taken to bring the policy section into the main building as soon as possible p 42</p>	<p><i>Accommodation is currently being reviewed by Property Holdings. Could occupy Architects area on middle floor if they move out</i></p>
<p>33. I recommend that seminars and discussions between the two sections (and others) should be organised in order to increase understanding and the two way flow of information. p 42</p>	<p><i>Agreed and implemented</i></p>
<p>34. I recommend that the heads of the development control and building control sections should be asked to examine ways in which they can work more closely together. p 42</p>	<p><i>Formal internal consultation procedures now established</i></p>
<p>35. I recommend that the Historic Buildings Division is brought within the Policy Division. p 42</p>	<p><i>Done</i></p>
<p>36. I recommend that the accommodation requirements of the Department and the possibility of co-location with the Environment Department, should be addressed urgently. p 43</p>	<p><i>See above</i></p>
<p>37. I recommend that the policy division should be strengthened by the addition of one post. Resources elsewhere should remain at their present levels. p 44</p>	<p><i>Done - through the return of officer from Housing Task Force</i></p>
<p>38. I recommend that appropriate quality assurance measures from the list which I have described (using complaints and comments, surveys, sampling, an advisory panel, peer review, post decision visits, States Members) should be introduced. p 47</p>	<p><i>Agreed in principle. Method still to be considered</i></p>

Existing Supplementary Planning Guidance

Development plans and frameworks

- The Jersey Waterfront (2006)
- Parade Action Area Design and Development Framework (2003)
- St Ouen's Bay Planning Framework (1999)

Development briefs

- Corner site, Dumaresq Street and York Street
- Rezoned housing site: Fields 848,851,853,854, Bel Royal, St. Lawrence
- Rezoned housing site: Fields 181,182 and 183, Rue de la Pointe, St Peter
- Rezoned housing site: Fields 848,851,853,854, Bel Royal, St. Lawrence
- Rezoned housing site: Field 40, Rue du Maupertuis, St Clement
- Rezoned housing site: Field 1370, Rue de Mont Sejour, St Helier

Planning policy notes

- Modern agricultural buildings
- Signs and advertisements
- Temporary accommodation on farms*
- Interim policies for the conservation of historic buildings
- Traditional timber windows and external doors in historic buildings

Planning advice notes

- Businesses run from the home
- Satellite tv receiving or communications antennae
- Tree protection on building sites
- Parking guidelines
- Use of planning obligations/agreements
- Repair grants for historic buildings
- Buildings of local interest – a guide for owners

- Sites of Special Interest – a guide for owners and other interested persons
- Roadside walls, fosses and banquettes – repairing common faults
- Environmental impact assessment
- Bats, buildings and the law
- Disposal of foul sewage
- Development of potentially contaminated land

Design guidance notes

- Conversion of Jersey's traditional farm buildings

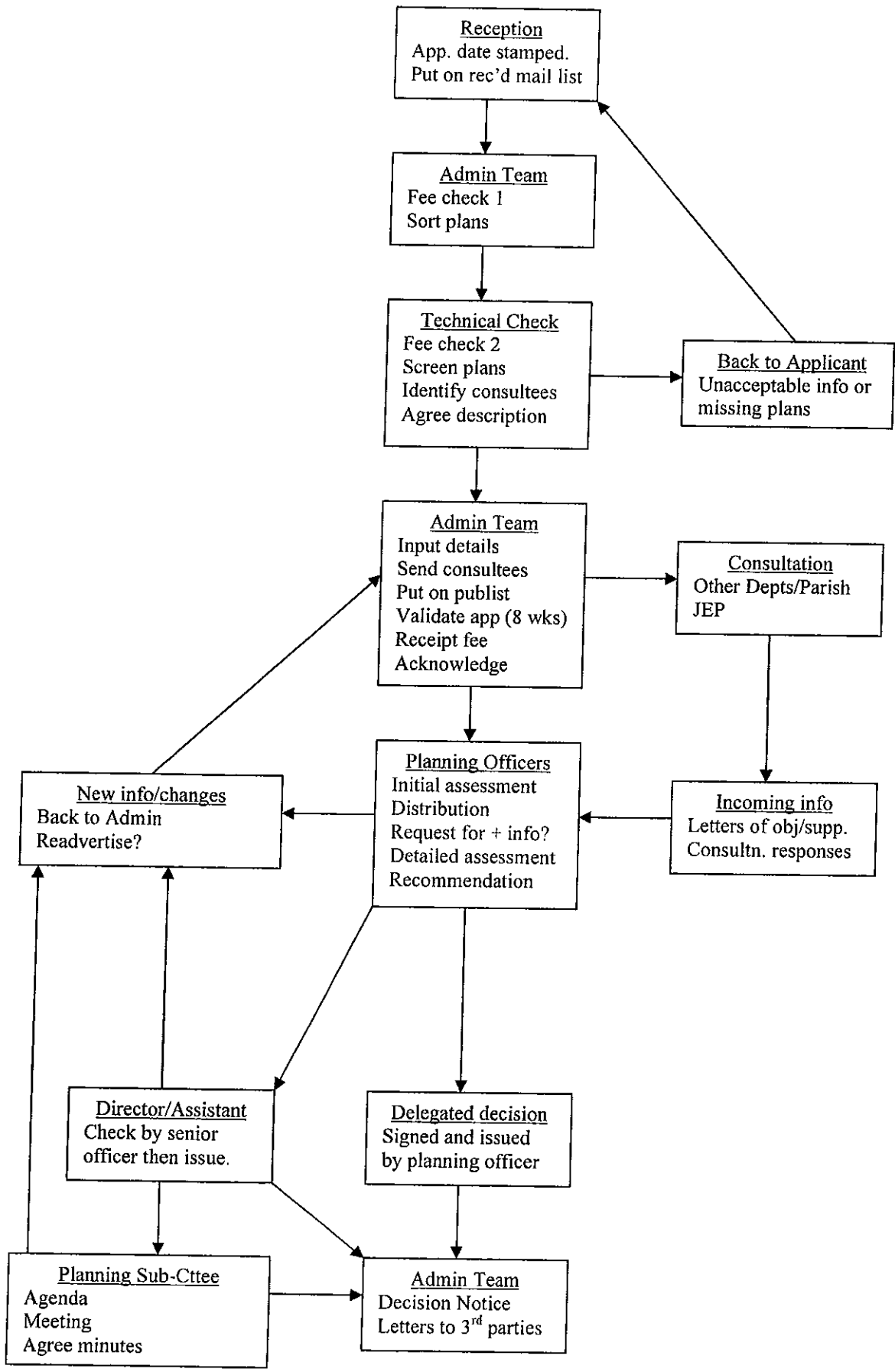
Forthcoming supplementary planning guidance

- Design of new homes
- Design guidance for St Helier
- Street furniture design guide
- The Historic Environment
- Coastal Zone Management Strategy
- St Helier Development and Regeneration Strategy
- Review of countryside planning policies and guidance
- Dealing with construction industry waste
- Percent for Art
- Household extensions
- Extensions to domestic curtilages in the countryside

Draft development briefs

- Rezoned housing site: Field 690A, Maufant, St Martin
- Rezoned housing site: Fields 190,191 and 192 Rue de la Sergente, St Brelade

SUMMARY OF PLANNING APPLICATION PROCESS



Development Control Practice Note No. 1

Pre-Application Advice

1. The Planning Department has for many years offered a free advisory and guidance service for all those wishing to make a planning application. In recent years public interest in the environment has increased. While we very much welcome an increased public awareness of planning and design issues it has meant that the amount of work involved in many applications has increased significantly. Regrettably, the resources of the Department have not increased to match the level of work. In order to focus more fully on its core activities, the Development Control Section has had to reduce some of the non-statutory services that it has provided. Regrettably, one area in which the Department can no longer justify a high resource input is in the provision of pre-application advice.
2. Because we know that it is often beneficial to all parties if the broad principles of large and complex schemes are discussed before the submission of a formal application, planning officers will continue to give whatever time they can make available to giving pre-application advice, but we must be sure that it is an effective and efficient use of Departmental resources.
3. Planning Officers will continue to give advice to applicants, or their agents, but only after the submission of certain information. This information includes:
 - A written statement of the proposal, usually in the form of a letter.
 - Ordnance Survey Location Plan @ 1:2500.
 - A draft sketch scheme of the proposals, to scale.
 - Photographs and any other additional information that will help the officer offer the best advice.
4. This will help ensure that both the client and the agent have given proper consideration to a proposed scheme before seeking advice and that the advice which results is more focussed, considered and of the best possible quality.
5. In relation to historic buildings, pre-application advice will be more readily available owing to the particular need for guidance on matters of detail.

Please Note – whilst every effort is made to ensure that pre-application advice is accurate, it must be regarded as advice only and is not the same as a formal permission under the Island Planning (Jersey) Law, 1964. The advice given is the opinion of the planning officer and will not be binding on the Minister in the determination of a subsequent application.

Approved by the Minister for Planning and Environment and issued by Peter Le Gresley –
 Assistant Director - Development Control – 7 March 2002

DRAFT

***Advice for making
Planning Applications***

February 2003

1 Introduction

"Obviously it is not possible to please everyone all of the time. The planning system aims to strike a balance between the public interest and individual rights. More often than not, what is good for the community is good also for the individual but when this is not the case, it is difficult for a private person to give up something for the greater good of his fellows. Planners try to avoid such conflicts but in an Island of small dimension and dense population it is a very difficult task."

These words are as true today as they were when they were written 20 years ago by the politician then leading the committee of the States responsible for planning – the late Deputy Norman Le Brocq.

The Environment and Public Services Committee believes that to strike this difficult balance, it is vital that all planning decisions are taken with a discernable thread of consistency running through them. The thread is the Planning Law and the policies approved by the States in the Island Plan.

For many people, making a planning application is an event which does not occur frequently. Filling in the necessary forms and getting to grips with current legislation can be intimidating. The introduction of application fees in 1997 has made mistakes and misunderstandings potentially costly. The purpose of this booklet is to give clear guidance to all those considering making a planning application.

One only has to look around the Island of Jersey to see the amount of building work going on to realize that the pressure placed upon the Planning and Building Services Department is enormous. Systems have been set up to manage this work but the ability of the team to deal with your application depends to an extent upon whether the application has been made properly.

When an application is submitted with all the necessary information, it will pass through the different processes as quickly and efficiently as resources allow. Applications made without all the necessary information will almost certainly

2 - Basic Requirements for all Applications

There are basic requirements for any application. These are:

- The correct application form(s), fully completed and signed
- The correct fee
- An extract from the current Jersey Digital Map, at the scale of 1/2500, identifying the site of the application *outlined in red*, with any other land within the ownership and control of the applicant *outlined in blue*. These maps are available from the Department of Planning and Building Services for a small fee. They will also be available for downloading from the web site (www.planning.gov.je) as the new site develops in 2003
- Sufficient plans, drawings and information to enable the application to be determined (see below for more detailed guidance)

Apart from these basic requirements, each different type of application will require more information. The first thing to do is to decide the type of application that you wish to make. This booklet will help you to do that and it also describes the extra information that you should provide.

Applications that are incomplete cannot be registered and will be held back until the necessary information has been received, or they may be returned to the applicant.

If you are in any doubt about the amount or type of information required for your application, please do not hesitate to contact the Applications Supervisor (see details at the end of this booklet).

4 – So what do you want to do?

1. In Principle Planning Application

What is it?

Sometimes referred to as an *outline* application, this tends to be helpful for larger schemes where the principle of development is uncertain. Although there is no legal provision or requirement for this type of application in the current Planning Law, the Environment and Public Services Committee offers this service to help the applicant discuss broad areas of principle before accepting a formal application, and it recognises that any such permission is binding.

If Permission In Principle is granted, Detailed Planning Permission (see 2 below) and Building Permission will still be required before any work can start.

What information is required?

In addition to the basic information described on page 4, a site plan is required in order for the application to be registered. There is no requirement for any additional information to be submitted, although it may well be in the applicant's interests to provide it. A proposal can only be judged on the information available. Often, the scale, mass, provision for parking and design will be key to the success of a proposal. If that information is not submitted the Committee is unlikely to be convinced that Planning Permission should be granted. Typically, In Principle applications are accompanied by an indication of the layout of the floor plans, together with one or more elevations. In larger schemes or where the assessment of the impact of new buildings is critical, street elevations, sketch perspectives, design statements, photomontages and even models will usually be required.

Small Works and Satellite Dish applications may now also be submitted on the detailed Planning Application form. These applications require less detail and often a standard brochure or photographs will provide much of the information that is required. However, even with this type of application, the quality of this information needs to be adequate for its purpose. It should be made absolutely clear what is proposed and where it is to be built.

Large or contentious schemes must be accompanied by further information, such as street elevations (showing the relative heights and design of adjoining buildings), perspectives, photomontages and a design statement. Models may be helpful to illustrate these schemes. For some types of application, such as those in Conservation Areas, or those affecting a Registered Building, the details of features such as doors, windows and shop fronts should be provided.

If your scheme involves the demolition of all or part of a building, you should include an explanation of how you intend to dispose of the rubble, or spoil. If you need guidance on this, the waste management policies in the Island Plan are available from the Department or on our web site – www.planning.gov.je

Important Note – Given that a Detailed Planning Application is submitted separately from a Building Application, we strongly advise you to take into account the requirements of the Building Bye Laws at the planning stage. This will minimise the risk of having to submit a revised Planning Application at a later date once the requirements of the Building Bye Laws are addressed. Such changes might not be acceptable in planning terms.

An application for replacement windows and doors should not be confused with one for a new window or door opening, or an alteration to an existing opening, which should be submitted on a Detailed Planning Application form (see 2 above).

What information is required?

A separate application form is available for this type of application and should be submitted with the basic information listed on page 4. Accurate drawings of the proposed replacement window or door units, together with photographs, are also required. The drawings should be at a high scale (1:10 or even 1:5) and should include sections through the proposed window/door, showing the dimensions of each part of the unit.

5. *Motor/Trailer Caravan*

What is it?

Any motor or trailer caravan being imported, sold or disposed of within the Island must receive a valid permit from the Planning and Environment Committee. Temporary permits are required for non-residents.

What information is required?

A completed application form is all that is required, with the applicant's address and the registration number of the vehicle. Residents are advised that all trailer caravans kept in the Island should be stored out of public view.

Site Plan.

This plan must show the whole of the site, including the defined boundaries, at a scale not smaller than 1:200. It should indicate the position of the property and all other buildings on the site, as well as the location of the proposed work. Access points, significant trees and landscaping should be marked, as well as drainage details (if relevant). Any adjoining sites and buildings should be indicated, making sure that these are accurately plotted and up to date. This will give the Committee contextual information which will assist it in determining the application. Site plans of the correct format and scale are available from the Department.

Site plan here

Floor Plans, Elevations and Sections

These detailed plans must be drawn accurately to a scale of at least 1:100 for In Principle applications and at least 1:50 for Detailed Planning and for Building applications. They should distinguish between existing and proposed buildings. Dotted or broken lines should be used to show the position of existing buildings to be demolished and colour or shading should be used to highlight new work. In some cases plans may be required at a higher scale to show the detail of construction.

Note - If there are discrepancies between the plans, elevations or sections, the progress of the application will be delayed while these are clarified. In the event that a discrepancy passes unnoticed, the Committee may use its discretion to determine which plan takes precedence.

Sections – Sections are helpful in making decisions on Detailed Planning applications and should normally be submitted. These show the height of windows, finished floor levels, etc. If the drawings are part of an application for consent under the Building Bye Laws, additional structural details will be required. Further information is available from that Department.

Section in here

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7 - Amendments After Permission Has Been Granted

Because a Detailed Planning application must now be submitted separately from a Building application, it is advisable to take into account the requirements of the Building Bye Laws at the Planning stage. If not, the scheme may have to be amended to meet the requirements of the Bye Laws. If these amendments are significant in planning terms, a Revised Planning application, and another fee, will be required.

If amendments are required after Planning Permission is granted, the Department should be made aware immediately, in order to establish whether a new or revised application is necessary. Formal permission will usually be required for changes.

9 - Neighbours

Bear in mind that all planning applications (except small works) are publicly advertised and will invite the attention of neighbours. They may wish to object or comment upon your application. We strongly advise you to talk to your neighbours about your proposals **before** the application is submitted. Hopefully, your plans will have their support or, if not, any concerns can be addressed before the formal application process begins. Adverse comments or objections can delay a decision and they can influence the outcome of the application, so it is in your interests to do all that you can to avoid them.

10 - Communication and Networking

To provide a consistent approach, we communicate internally and with other authorities in the Island. We also keep in touch with other regional and national organisations:

In Jersey, the following organisations regularly contribute to Planning decisions:

The 12 Parish authorities

The States of Jersey Fire Service

Department of Public Services

Other States Departments, such as Environmental Health; Agriculture and Fisheries, Housing; and the Environmental Services Unit

Société Jersiaise

National Trust for Jersey

12 - Information Checklist

This checklist sets out the minimum that is required for each application type to be registered. Additional information can be helpful and some types of application (e.g. Registered Buildings) require more than others.

Key; Always required
 x Not usually required
 o Often required