

# STATES OF JERSEY



Jersey

## **DRAFT PLANNING AND BUILDING (AMENDMENT No. 8) (JERSEY) LAW 202- (P.76/2021): SECOND AMENDMENT**

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**Lodged au Greffe on 6th April 2022  
by the Minister for the Environment  
Earliest date for debate: 25th April 2022**

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**STATES GREFFE**



DRAFT PLANNING AND BUILDING (AMENDMENT NO. 8) (JERSEY)  
LAW 202- (P.76/2021): SECOND AMENDMENT

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**1 PAGE 16, ARTICLE 4 –**

In the draft new Article 5(2)(k) (meaning of “develop”) to be inserted by Article 4(2)(b), for “such as” substitute “except such operations as”.

**2 PAGE 19, ARTICLE 13 –**

In the draft new Article 56A (conservation areas) to be inserted by Article 13, in paragraph (1) for “Chief Officer may” substitute “Minister may by Order”.

**3 PAGE 23, ARTICLE 24 –**

For the text of Article 24 (citation and commencement) substitute –

“This Law may be cited as the Planning and Building (Amendment No. 8) (Jersey) Law 202- and comes into force –

- (a) except as provided by paragraph (b), 7 days after the day on which it is registered;
- (b) in the case of Article 4(2), on a day to be specified by the States by Act.”.

MINISTER FOR THE ENVIRONMENT

## REPORT

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### Page 16, Article 4

The first of the amendments seeks a change to Article 5(2)(k). Currently, as proposed unamended, the Article states:

“(k) to carry out on the land an operation to or involving a tree, such as the Minister may specify by Order.”

The amendment proposed by the Minister would change the above to:

“(k) to carry out on the land an operation to or involving a tree, ~~such as~~ **except such operations as** the Minister may specify by Order.”

This change is merely a technical change to allow the Minister to, by Order, specify work that is permitted by exception, rather than, as originally drafted, list all the works that would require a planning application.

### Page 19, Article 13

The second of the amendments seeks to change Article 56A (conservation areas).

Currently, the original proposition states:

“(1) The Chief Officer may designate, as a conservation area, any area of Jersey to which there attaches a special architectural or historical interest, for the purpose of protecting and improving the character or appearance of that area.”

The amendment proposed by the Minister would change the above to:

“(1) The ~~Chief Officer may~~ **Minister may by Order** designate, as a conservation area, any area of Jersey to which there attaches a special architectural or historical interest, for the purpose of protecting and improving the character or appearance of that area.”

This change would move the power to designate a conservation area from the Chief Officer under the law to the Minister. Furthermore, the Minister would be required to designate the conservation area by Order which require consultation and, if deemed necessary, can be reviewed by the relevant Scrutiny Panel or the States Assembly. In the Minister’s view, this change provides for greater democratic oversight of the designation of conservation areas.

### Page 23, Article 24

The third and final of the amendments is to amend Article 24 (citation and commencement).

Currently, the original proposition states:

“*This Law may be cited as the Planning and Building (Amendment No. 8) (Jersey) Law 202- and comes into force on a day to be specified by the States by Act, but not earlier than 7 days after the day on which it is registered.*”

The amendment proposed by the Minister would change the above to:

“This Law may be cited as the Planning and Building (Amendment No. 8) (Jersey) Law 202- and comes into force –

(a) **except as provided by paragraph (b), 7 days after the day on which it is registered;**

(b) in the case of Article 4(2), on a day to be specified by the States by Act.”

This amendment would allow the Assembly to agree when to enact the changes to the Law as relates to greater protection for trees. The intention here is to allow this Law change to be adopted but not come into effect until such time that relevant Scrutiny Panel, and the Assembly, agree that all concerns have been addressed and that this change to the Law can come into effect via the adoption of a separate Appointed Day Act. This approach would also prevent a scenario where the other important changes in the original proposition are unnecessarily delayed by any single concern as relates to tree protection.

### **Financial and manpower implications**

There are no new financial and/or manpower implications.