

# STATES OF JERSEY



## **DRAFT PLANNING AND BUILDING (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-**

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**Lodged au Greffe on 13th January 2015  
by the Minister for Planning and Environment**

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**STATES GREFFE**





Jersey

# **DRAFT PLANNING AND BUILDING (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-**

## **REPORT**

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### **Summary**

On 2nd July 2014 the States approved [P.94/2014](#) (Draft Planning and Building (Amendment No. 6) (Jersey) Law 201-, as amended during debate) to allow the introduction of an independent merits-based appeal process for decisions and actions taken under the Planning and Building (Jersey) Law 2002 (“the principal Law”). The Law was registered in the Royal Court on 17th October 2014 and subsequently published as [L.34/2014](#).

The changes to the Law were based upon [P.87/2013](#) (Planning Appeals: revised system) adopted by the States Assembly on 11th September 2013, as amended during debate. The Proposition set out a model for the consideration of appeals by independent inspectors who would report to the Minister for Planning and Environment to make a final decision. The inspectors would be allocated appeals by the Judicial Greffe, who would administer the process, and appeals would be considered either by written submissions or by the interested parties appearing at a hearing chaired by the inspector. The process requires the withdrawal of the Minister from the initial consideration of applications or actions that could be appealed.

These draft Regulations seek to bring consequential amendments to the principal Law to enable the appeals process to function.

### **Background**

The current appeals process involves the Royal Court considering whether a decision was unreasonable with regard to all the circumstances. In preparing what was to become the Planning and Building (Jersey) Law 2002, the then Planning and Environment Committee described the Royal Court appeal route as “invariably a slow and expensive process which effectively denies a right of appeal to those of limited means, or makes an appeal unworthwhile where the cost of the works to be undertaken are significantly less than the exposure to costs in an appeal” ([P.50/2001](#)).

The Planning and Environment Committee proposed an independent Planning Appeals Commission with full jurisdiction under the Law, with its decisions binding on the Committee.

An amendment to the Law to allow appeals against the granting of planning permission – appeals by third parties – raised concerns over how a Commission would work, and whether it would be too expensive to implement. The proposal for a Planning Appeals Commission was dropped, and appeal to the Royal Court for the

refusal of an application or against the granting of a permission was introduced ([P.210/2004](#)) with the Royal Court Rules amended to try and make the process more accessible.

In 2005 there was a review of the Planning system by Mr. Chris Shepley, former Chief Planning Inspector for England and Wales. In his report, Mr. Shepley recommended that a proposal for a separate independent appeals tribunal should be revisited in due course. Since March 2007, there have been 3 formal considerations of all or part of the planning applications process. Of these, 2 reports were presented to the States –

- [R.14/2009](#) (Committee of Inquiry to examine the operation of third party planning appeals in the Royal Court (up to 31st March 2008): final report); and
- [R.38/2011](#) (Committee of Inquiry: Reg's Skips Ltd. – Planning Applications – Second Report).

There was also a report commissioned by the Minister for Planning and Environment –

- [The Development Control Process Improvement Programme \(PIP\) \(November 2010\)](#).

All of these reports in some way investigated and considered the appeals process, and all of them recommended that an alternative to the Royal Court Appeal should be introduced.

Whilst appeals in connection with applications for planning permission are the most prominent, the same Royal Court process is the only way of challenging any of the many decisions or actions which can be taken under the principal Law. These decisions and actions include appeals against enforcement notices, the listing of a building, place or tree, or the refusal to grant Building Bye-Laws approval.

With the concerns over how appeals could be pursued in mind, a Green Paper was published by the Minister for Planning and Environment in March 2013 ([R.24/2013](#)), seeking views on the potential for reforms to the appeal process.

Just prior to the publication of the Green Paper, former Deputy J.H. Young of St. Brelade lodged a Proposition, in February 2013 – [P.26/2013](#) (Independent Planning Appeals Tribunal: establishment) – requesting that the Minister for Planning and Environment bring forward detailed proposals for the establishment of the new appeals tribunal.

In September 2013, on the basis of responses to the Green Paper and Deputy Young's Proposition, the Minister for Planning and Environment lodged [P.87/2013](#) outlining a model for an appeals process that would apply to decisions taken under the Planning and Building (Jersey) Law 2002. The Proposition was for an independent inspector – chosen from a panel of suitably qualified and experienced inspectors recruited via the Jersey Appointments Commission (JAC) – to consider each appeal case and then make a recommendation to the Minister for Planning and Environment. The Minister would make a final decision on the basis of the inspector's recommendation. The Minister would not be bound by the recommendation, but would have to explain any variation from it. The process would be administered by the Judicial Greffe as an independent body remote from the Department of the Environment. Appeals could be pursued without the prospect of costs being awarded, and a reasonable fee would be payable towards the cost of administering the process.

The following decisions would be subject to the revised appeal process –

1. The refusal to grant planning permission.
2. The refusal to approve or amend an application for planning permission for development which has already taken place.
3. The refusal to vary a previously approved application for planning permission.
4. The refusal to grant a certificate of completion (confirming a development has taken place in accordance with a previously approved planning permission).
5. The refusal to grant building Bye-Laws approval.
6. The refusal to grant permission to undertake particular activities on/in/under a site of special interest.
7. The refusal to grant permission for the importation or use of a caravan in Jersey.
8. The imposition of a condition on any permission previously granted.
9. The revocation or modification of a planning permission.
10. The service of notices requiring actions.
11. The inclusion of buildings/places/trees on relevant lists for their protection.
12. The granting of planning permission – appeal by a third party.

Former Deputy R.G. Le Hérissier of St. Saviour brought an amendment to the Proposition that retained the Request for Reconsideration (RfR) process, where applicants who have received a refusal of planning permission determined by officers can ask the Planning Applications Panel (PAP) to consider the proposal.

#### **Amendments to the Law – Planning and Building (Amendment No. 6) (Jersey) Law 2014**

Following the adoption of P.87/2013, legislation was drafted to allow the new appeals process to function. That legislation was debated in July 2014 ([P.94/2014](#)). The legislation followed the principles indicated above, and also allowed for Regulations to further amend the Law to fully reflect the shift in responsibilities, namely that the Minister would be removed from the initial decision-making process in order to legitimately consider appeals. The Amendment No. 6 Law established a Planning Applications Committee – in effect replacing the current Planning Applications Panel – which would be formed by the States Assembly and not appointed by the Minister.

All appeals against decisions or actions under the Law will be considered by an independent inspector – chosen from a panel of suitably qualified and experienced inspectors recruited via the Jersey Appointments Commission (JAC) – who will gather evidence and then provide the Minister with a written report and recommendation on the case. The Minister will then make a decision on the basis of the inspector's recommendation. All the documents including the inspector's report will be publicly available.

As per former Deputy R.G. Le Hérissier of St. Saviour's proposal, the Law will allow the Planning Applications Committee to be able to review a decision made by officers of the Department.

The Planning and Building (Amendment No. 6) (Jersey) Law 2014 was adopted by the States Assembly on 2nd July 2014 and registered in the Royal Court on 17th October 2014.

## **The Regulations**

In order that a new appeals system can be introduced, the fundamental process of decision-making will have to alter so as to ensure that the Minister is not involved in first-tier decision-making. The Minister will still have the power to make policies – including the Island Plan – and issue guidance against which decisions should be considered. In broad terms the Regulations will ensure that –

1. The Minister will generally be removed from first-tier decision-making in order to allow the consideration and determination of appeals against decisions and actions under the Law.
2. The Minister will retain the role of decision-making in the following circumstances –
  - i. Where there is no right of appeal to the Minister – for example where an application for planning permission which has been the subject of a Public Inquiry.
  - ii. The role relates to actions after an appeal process – or the opportunity to pursue an appeal process – has run its course.
  - iii. The decision-making does not relate to individual cases, but relates to policies and guidelines for decision-makers to follow.
3. The Chief Officer of the Department will become a first-tier decision-maker in their own right with a right of appeal to the Minister over any decision.
4. The Planning Applications Committee will make decisions relating to applications for planning permission and similar issues. Matters to be referred for decisions by the Committee will be agreed between the Committee and the Chief Officer.
5. For applications which have not been the subject of a Public Inquiry, only the Committee can make a decision to grant of planning permission for a development which would be inconsistent with the Island Plan.

## **Article by Article changes**

### Article 1 – Interpretation

The Chief Officer of the Department of the Environment has been defined; and reference to the Minister has been removed in connection with –

- “planning permission”, as applications will not be made to the Minister;
- “site notice”, and “dangerous building notice”, as the Minister will no longer be responsible for these notices.

### Article 5 – Meaning of “develop”

The notice which can be served under Article 5(4) can be the subject of an appeal to the Minister, so the Chief Officer has been identified as the decision-maker.

### Article 9 – Applications for planning permission not granted by a Development Order

This Article reflects the fact that applications will be made to the Chief Officer. The Chief Officer or the Planning Applications Committee may then make a decision on the application.

In Article 9(4), accepting an application for planning permission which has not been endorsed by the owner of the site of the application has remained the responsibility of the Minister. Such a decision involves making judgement of public interest, and the Minister is best placed to make that judgement. Allowing such an application to

proceed to consideration and determination would not prejudice the Minister's role in any subsequent appeal.

#### Article 9A (as amended) – Role of the Planning Applications Committee

This Article has been included in the Law by virtue of the Planning and Building (Amendment No. 6) (Jersey) Law 2014. However, the Article is further amended by these Regulations to require the Chief Officer and the Planning Applications Committee to agree on how matters that can be considered by the Committee are allocated.

#### Article 10 – False information, etc., in application for planning permission

Article 10(2) and (5) has removed reference to the Minister, as they are actions that can be appealed.

Article 10(7), (8) and (9) retains the Minister as the decision-maker. At the point of entering land to carry out works, the ability to pursue an appeal will either have been exercised, or the opportunity for such an appeal will have passed. The Minister will not be considering any subsequent appeals from actions under these Articles, and the actions they involve are serious enough to retain the Minister as the responsible body for their function

Article 10(10) refers to the Minister, the Chief Officer and the Planning Applications Committee. The principle of the decision-maker being unable to be pursued for compensation is established in the Law, and that arrangement should continue for all decision-makers.

#### Article 11 – Publicity for applications for planning permission

Making an Order for the publicity of applications for planning permission is a matter of policy, and responsibility stays with the Minister.

Article 11(3)–(5) has been amended to reflect the Minister's withdrawal from first-tier decision-making, but still requiring the process of publicity to be completed prior to any decision being made.

#### Article 12 – Public Inquiries

For Public Inquiries the functions will remain the responsibility of the Minister, but there is clarification that the Minister's decision following a Public Inquiry can only be challenged in the Royal Court.

#### Article 13 – Environmental impact of proposed development

Reference to the Minister has been retained in the context of setting an Order, but removed where it relates to the consideration of an application.

#### Articles 14, 15, 16 and 17 – Development of concern to (various other Ministers)

These Articles all make reference to consultations requests on an application for planning permission prior to any decision being made. This is a function that will be carried out by the Department in processing an application.

The Articles have been amended to remove reference to the Minister, but retain the requirement of the process of consultations with other Ministers.

#### Article 19 – Grant of planning permission

This Article reflects the new arrangement of the Minister being removed from the first tier of decision-making, and the role being taken by the Chief Officer and the Planning Applications Committee as appropriate.

Article 20 – Application for planning permission for development already undertaken

This Article has been amended to reflect the new arrangement of the Minister being removed from the first tier of decision-making, and the role being taken by the Chief Officer and the Planning Applications Committee as appropriate.

Article 21 – Conditions subject to which planning permission may be varied or removed

This Article has been amended to reflect the new arrangement of the Minister being removed from the first tier of decision-making, and the role being taken by the Chief Officer and the Planning Applications Committee as appropriate.

Article 22 – Reasons for certain decisions

This Article has been amended to require any decision-maker to give reasons for a decision as appropriate.

Article 23 – Conditions attached to the grant of planning permission

This Article has been amended to set out the requirements of any conditions attached to a grant of planning permission by any decision-maker.

Article 24 – Planning permission attaches to land

Reference to the Minister has been removed without altering the function of the Article.

Article 25 – Planning Obligations

Article 25(1)–(8) – Planning Obligation Agreements (POAs) are material considerations when determining an application for planning permission. POAs are normally used to secure policy objectives identified in the Island Plan, design briefs and masterplans, or infrastructure improvements which are necessary because of a development proposal. POAs will need to be used be utilised at a first-tier decision or on an appeal decision.

Whilst the Planning Applications Committee will be a formally constituted body, it is not appropriate that they enter into a POA. Instead, they should be able to require that there be a POA which will then be completed by the Chief Officer. They would be entitled to set out demands for what the POA must achieve in connection with any grant of permission.

Given the above, the Minister and the Chief Officer need to be able to enter into a POA.

Article 26 – Termination of an application with reference to time limit; and  
Article 27 – Revocation and modification of planning permission

As there is an appeal against decision under these Articles, the Chief Officer or the Planning Applications Committee will take decisions as appropriate.

Article 28 – Certificates of completion

The Chief Officer will have the power to issue Certificates of Completion, and the Minister would consider any appeal against the refusal to issue such a certificate.

Article 33 – Prescribed work not to be undertaken without building permission

As there is an appeal against any decision, the Chief Officer will take decisions in the first instance.

Article 34 – Applications for building permission

As there is an appeal against any decision, amendments reflect the fact that the Chief Officer will make decisions.



Article 35 – Grant of building permission

As there is an appeal against any decision, amendments reflect the fact that the Chief Officer will make decisions.

Article 36 – Reasons for refusal to grant building permission

This Article requires that reasons are given by the decision-maker for any decision to refuse an application.

Article 37 – Conditions attached to the grant of building permission

As there is an appeal against any condition attached to a decision, the Chief Officer will attach conditions in the first instance.

Article 40 – Service of an enforcement notice in respect of breach of development controls

As there is a right of appeal against the service of an enforcement notice, the Chief Officer or the Planning Applications Committee will make a decision to serve a notice as appropriate.

Article 42 – Variation or withdrawal of an enforcement notice

This Article allows the Chief Officer or the Planning Applications Committee to vary or withdraw an enforcement notice. An appeal against an enforcement notice may result in the notice being varied or withdrawn by the Minister.

Article 44 – Offence when enforcement notice is not complied with

The Article has been amended to remove reference to the Minister.

Article 45 – Stop Notices

The Minister will hear appeals against Stop Notices and so will be removed from any part of the Article connected with serving or subsequently administering the notice.

Article 47 – Enforcement of development conditions

As there is an appeal against any condition attached to a decision, the Chief Officer will attach conditions in the first instance.

Article 48 – Injunctions restraining breaches of development control

This Article has been amended to allow either the Chief Officer or the Minister to seek an injunction depending on the circumstances of the case. If there is an outstanding or potential appeal in connection with the case, the Minister should not be involved. If there is no potential to appeal, then the Minister should be involved in seeking an injunction.

Article 51 – Lists of Sites of Special Interest

This Article makes the Chief Officer responsible for the maintenance of a List of Sites of Special Interest – buildings and/or places – including the inclusion of a building or place on the List.

Article 52 – Notice and procedure for inclusion on, or removal from, the List of Sites of Special Interest

This Article makes the listing process the responsibility of the Chief Officer, to allow the Minister to consider appeals against any listing.

Article 53 – Provisional listing

This Article makes the responsibility of provisional listing the responsibility of the Chief Officer. Although there is no appeal against provisional listing, full listing may follow.

Article 54 – Control of certain operations, etc., not amounting to development

The Chief Officer will make decision under this Article, since a right of appeal to the Minister can arise from actions under the Article.

Article 55 – Certain activities restricted on sites of special interest

Reference to the Minister has been removed from Article 55(1)–(8), as there are appeals that can be brought against actions in those paragraphs of the Article.

Article 55(9)–(13) inclusive all contain actions which will arise after an appeal or after the opportunity to bring an appeal has passed. Responsibility for these particular actions will remain with the Minister.

Article 57 – Interpretation – protected trees

The List referred to in this Article is to be maintained by the Chief Officer, and as such, reference to the Minister will be removed.

Article 58 – Minister to protect trees by maintaining a List of Protected Trees

This Article makes the listing process the responsibility of the Chief Officer, to allow the Minister to consider appeals against any listing.

Article 59 – Notice and procedure for listing of, and removal from, a tree on the List of Protected Trees

This Article makes the listing process the responsibility of the Chief Officer, to allow the Minister to consider appeals against such a listing.

Article 60 – Provisional listing of trees

This Article makes the responsibility of provisional listing the responsibility of the Chief Officer. Although there is no appeal against provisional listing, full listing may follow.

Article 61 – Protected tree not to be felled, etc., without permission

There is a right of appeal against the refusal to allow works to a protected tree, so the Article has been amended to remove the Minister from its function.

Article 62 – Preservation and planting of trees in connection with planning permission

This Article has been amended to reflect that there are a variety of decision-makers.

Article 66 – Dangerous Building Notice in respect of building in dangerous condition

As there is a right of appeal against the service of an enforcement notice, the Chief Officer makes a decision to serve a notice.

Article 68 – Variation or withdrawal of a Dangerous Building Notice

The Article has removed the Minister from its function, which will be carried out by the Chief Officer. The Minister may be involved in variation or withdrawal in considering an appeal.

Article 72 – No compensation payable

The reference to “action taken by the Minister” has been expanded to include action taken by the Chief Officer. Immunity from being liable for compensation is an established principle, and should apply to any new decision-maker as well as the Minister.

Article 76 – Minister may make Orders to control advertisements

The Minister will make the Order as a matter of policy.

The Minister will not grant permission under the Order for the control of advertisements, and should be removed from the Article in this respect.

Article 78 – Penalty for contravention of an Order

As there is an appeal against any notice served in connection with the Order, the Chief Officer will make the decision to serve a notice in the first instance.

Article 81 – Minister may make Orders in respect of moveable structures

The Minister will make the Order as a matter of policy.

The Minister will not grant permission under the Order for the control of moveable structures, and should be removed from the Article in this respect.

Article 82 – Penalty for contravening an Order

As there is an appeal against any notice served in connection with the Order, the Chief Officer will make the decision to serve a notice.

Article 83 – Interpretation – land condition

Reference to the Minister will be removed.

Articles 84 to 93 inclusive

Under Article 109(1)(i) as amended there is a right of appeal to the Minister in respect of Land Condition Notices. Reference to the Minister will be removed, and the Chief Officer will be the decision-maker/authorising body for all the actions/powers in these Articles.

The Planning Applications Committee has no powers under Article 9A to control the condition of land under these Articles.

Article 95 – No compensation payable

The reference to “action taken by the Minister” has been expanded to include action taken by the Chief Officer. Immunity from being liable for compensation is an established principle and should apply to all decision-makers.

Article 99 – Control of importation and use of caravans

Reference to the Minister should be removed, as the Chief Officer will act as the decision-maker.

Article 100 – Offence of importing, etc., caravan without permission

Reference to the Minister has been removed, since the Minister will not issue such a permission. There is a right of appeal against refusal to grant such a permission.

Article 101 – Conditions on the importation and use of a caravan

As there is an appeal against any condition attached to a decision, the Chief Officer will attach conditions in the first instance.

Article 108 – Right of appeal against certain decisions and persons who may appeal

These amendments reflect changes elsewhere in the Law by these Regulations

Article 121 – Service of notices

Reference to the Minister has been removed, since the serving of any notice can be appealed.

**Financial and manpower implications**

There are no implications expected for the financial and manpower resources of the States arising from the adoption of these Draft Regulations.

## Explanatory Note

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These Regulations would further amend the Planning and Building (Jersey) Law 2002 (the “2002 Law”), as a consequence of changes made to the system of appeals under that Law by the Planning and Building (Amendment No. 6) (Jersey) Law 2014 (the “amending Law”).

The amending Law substituted a new Part 7 (Appeals) into the 2002 Law, which provides for appeals to be assessed or heard by an inspector, with the final decision on each appeal being taken by the Minister for Planning and Environment following the inspector’s recommendation. Accordingly the Minister should not, as a matter of legal principle, be involved in also making first-instance decisions under the 2002 Law. *Regulations 2 to 70* would amend provisions (other than Part 7, except for the adjustment of some cross-references in Article 108) of the 2002 Law: (a) to remove references, and allocations of functions, to the Minister; and (b) where necessary, to transfer functions to other decision-makers (almost invariably to the Chief Executive Officer and other officers of the Department for Planning and Environment, and in a few additional instances to the Planning Applications Committee).

*Regulation 71* would provide for the citation of these Regulations and for their commencement.



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## **DRAFT PLANNING AND BUILDING (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 8 of the Planning and Building (Amendment No. 6) (Jersey) Law 2014<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations, the “Law” means the Planning and Building (Jersey) Law 2002<sup>2</sup>, and a reference to an Article, paragraph or any other subdivision by number is, unless otherwise indicated, a reference to the Article, paragraph or subdivision of that number in the Law.

### **2 Article 1 amended**

In Article 1(1) –

- (a) after the definition “caravan” there shall be inserted the following definition –
- “ ‘Chief Officer’ –
- (a) means the person appointed from time to time as the chief executive officer (or equivalent) of the administration of the States responsible for planning and building; and
  - (b) when referred to in relation to the exercise of any function under this Law, includes any officer of that administration designated by the Chief Officer as carrying out that function;”;
- (b) in each of the definitions “dangerous building notice” and “site notice”, the words “by the Minister” shall be deleted;
- (c) in the definition “planning permission”, in paragraph (a) the words “to the Minister” shall be deleted.

**3 Article 5 amended**

In Article 5(4) for the words “the Minister” there shall be substituted the words “the Chief Officer”.

**4 Article 9 amended**

(1) In Article 9(1) for the words “the Minister” there shall be substituted the words “the Chief Officer”.

(2) For Article 9(2) there shall be substituted the following paragraph –

“(2) The application must –

(a) be in the required form; and

(b) contain or be accompanied by –

(i) such particulars as may reasonably be required to determine the application, and

(ii) the matters mentioned in paragraph (3).”.

(3) In Article 9(4) for the words “the Minister may nevertheless accept the application” there shall be substituted the words “the application may nevertheless be accepted”.

(4) For paragraphs (5) to (7) of Article 9 there shall be substituted the following paragraphs –

“(5) Following receipt of an application duly made under this Article, the Chief Officer may –

(a) determine the application; or

(b) refer the application to the Planning Applications Committee for determination by that Committee.

(6) The Chief Officer or, as the case may be, the Committee may require the applicant to provide such further particulars as may reasonably be required to determine the application.

(7) If the applicant fails to provide those particulars within a reasonable time, the application may be refused and upon such a refusal no obligation to refund the prescribed fee shall arise.”.

**5 Article 9A amended**

In Article 9A, after paragraph (1) there shall be inserted the following paragraph –

“(1A) Functions shall be allocated to the Planning Applications Committee by agreement between the Chief Officer and that Committee, and in default of such agreement, the Minister shall determine which functions shall be so allocated.”.

**6 Article 10 amended**

(1) For Article 10(2) there shall be substituted the following paragraph –



“(2) If a person has made such a statement or representation and planning permission has been granted (whether wholly or partly as a consequence of that statement or representation), the Chief Officer may –

- (a) revoke or modify the permission; and
- (b) if the development has been started or undertaken, serve a notice in accordance with paragraph (3) on the owner of the land to which the permission relates,

and for these purposes it does not matter whether or not proceedings have been taken in respect of an offence under paragraph (1).”.

- (2) Paragraph (5) of Article 10 shall be deleted.
- (3) In Article 10(10), after the words “the Minister” there shall be inserted the words “or the Chief Officer”.

#### **7 Article 11 amended**

- (1) In the heading to Article 11 for the words “Minister shall prescribe manner” there shall be substituted the word “Manner”.
- (2) For paragraphs (3) to (5) of Article 11 there shall be substituted the following paragraphs –

“(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.

(4) In determining the application there shall be taken into account any representations provided by members of the public in the prescribed manner.”.

#### **8 Article 12 amended**

At the end of Article 12 there shall be added the following paragraph –

“(6) An appeal shall lie only to the Royal Court (and for the avoidance of doubt, no right of appeal arises under Part 7) against a decision taken by the Minister following and as a result of a public inquiry.”.

#### **9 Article 13 amended**

For paragraphs (2) and (3) of Article 13 there shall be substituted the following paragraph –

“(2) Where this Article applies, the application shall not be determined until the applicant has provided such an environmental impact statement as may be prescribed, and the statement shall be taken into account in the determination of the application.”.

**10 Article 14 amended**

- (1) In Article 14(1)(b) the words “to the Minister” shall be deleted.
- (2) In Article 14(2)(d) the words “has notified the Minister it” shall be deleted.
- (3) For paragraphs (3) and (4) of Article 14 there shall be substituted the following paragraph –
  - “(3) Where this Article applies, the application shall not be determined until the highway authority (if any) in respect of the road has been consulted, and any comment by the authority shall be taken into account in the determination of the application.”.

**11 Article 15 amended**

- (1) In Article 15(1) the words “to the Minister” shall be deleted.
- (2) For paragraphs (2) and (3) of Article 15 there shall be substituted the following paragraph –
  - “(2) Where this Article applies, the application shall be referred to the Minister for Economic Development for comment, and any comment made by that Minister in respect of the possible effect of the proposed development on the operation of a harbour or of the airport shall be taken into account in the determination of the application.”.

**12 Article 16 amended**

For paragraphs (2) and (3) of Article 16 there shall be substituted the following paragraph –

- “(2) Where this Article applies, the application shall be referred to the Minister for Transport and Technical Services for comment, and any comment made by that Minister in respect of any of the matters specified in paragraph (4) shall be taken into account in the determination of the application.”.

**13 Article 17 amended**

For paragraphs (2) and (3) of Article 17 there shall be substituted the following paragraph –

- “(2) Where this Article applies, the application shall be referred to the relevant Minister, body or person and any comment made by the Minister, body or person shall be taken into account in the determination of the application.”.

**14 Article 19 amended**

- (1) For paragraphs (1) to (7) of Article 19 there shall be substituted the following paragraphs –

- “(1) All material considerations shall be taken into account in the determination of an application for planning permission.
- (2) In general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan.
- (3) Despite paragraph (2), planning permission may be granted where the proposed development is inconsistent with the Island Plan, if the Planning Applications Committee is satisfied that there is sufficient justification for doing so.
- (4) Planning permission may be granted –
  - (a) in detail or in outline only; and
  - (b) unconditionally or subject to conditions which must be specified in the grant of permission.
- (5) Planning permission may be refused.
- (6) In the case of outline planning permission granted under paragraph (4)(a) –
  - (a) matters may be reserved for further approval; and
  - (b) where such matters are reserved, the permission shall specify a period of time within which an application for approval in relation to such matters must be made (and the provisions of this Part, except paragraph (4)(a) and this paragraph, shall apply in relation to that application).
- (7) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage which the person may suffer as a result of that decision.”.

## 15 Article 20 amended

- (1) In Article 20(2) for the words “the Minister” there shall be substituted the words “the Chief Officer, in the required form and manner,”.
- (2) For paragraphs (3) to (5) of Article 20 there shall be substituted the following paragraphs –
  - “(2A) Following receipt of an application under paragraph (2), the Chief Officer may –
    - (a) determine the application; or
    - (b) refer the application to the Planning Applications Committee for determination by that Committee.
  - (3) Where this Article applies by virtue of paragraph (1)(a), planning permission may be granted in the terms sought by the application (and such grant shall have effect from the date when the development was undertaken) or it may be refused.
  - (4) Where this Article applies by virtue of paragraph (1)(b), a condition of planning permission already granted may be amended in the terms sought by the application or otherwise (and such amendment shall have effect from the date when the development was undertaken) or the application may be refused.

- (5) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage which the person may suffer as a result of that decision.”.

## 16 Article 21 amended

- (1) In the heading to Article 21, for the words “Minister may vary, etc.” there shall be substituted the words “Variation etc. of”.
- (2) In Article 21(2) for the words “the Minister” there shall be substituted the words “the Chief Officer, in the required form and manner,”.
- (3) For paragraphs (3) to (5) of Article 21 there shall be substituted the following paragraphs –
  - “(3) Following receipt of an application under paragraph (2), the Chief Officer may –
    - (a) determine the application; or
    - (b) refer the application to the Planning Applications Committee for determination by that Committee.
  - (4) A condition may be removed or varied in the manner sought by the application, or the application may be refused.
  - (5) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that decision.”.

## 17 Article 21A amended

In Article 21A(2) –

- (a) for the word “decision-maker” there shall be substituted the words “Chief Officer”;
- (b) in sub-paragraph (b), the words “between the applicant and the decision-maker” shall be omitted.

## 18 Article 22 amended

- (1) For the heading to Article 22 there shall be substituted the following heading –

**“Reasons to be given for certain decisions”.**

- (2) In Article 22(1) –
  - (a) for the words “the Minister decides” there shall be substituted the words “a decision is taken”;
  - (b) for sub-paragraphs (b) to (d) there shall be substituted the following sub-paragraphs –
    - “(b) to grant planning permission whether in detail or in outline, and whether subject to conditions or not; or

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(c) to grant planning permission for development that is inconsistent with the Island Plan.”.

(3) For Article 22(2) there shall be substituted the following paragraphs –

“(2) Where this Article applies, full reasons for the decision shall be given to the applicant in writing by the decision-maker.

(3) In this Article, ‘decision-maker’ means the Minister, the Chief Officer or, as the case may be, the Planning Applications Committee.”.

## **19 Article 22A amended**

In Article 22A(1) for the words “, other than by the Planning Applications Committee” there shall be substituted the words “by the Chief Officer”.

## **20 Article 23 amended**

(1) In Article 23(1) for the words “the Minister attaches” there shall be substituted the word “attached”.

(2) In Article 23(3) for the words “to the Minister for the Minister’s” there shall be substituted the word “for”.

(3) In Article 23(4) –

(a) for the words “The Minister may impose a condition” there shall be substituted the words “A condition may be imposed”; and

(b) the words “to the Minister” shall be deleted.

(4) In Article 23(5) –

(a) for the words “Action taken by the Minister” there shall be substituted the words “A decision taken”; and

(b) for the words “that action” there shall be substituted the words “that decision”.

(5) In Article 23(6) –

(a) the words “the Minister grants” shall be deleted; and

(b) for the words “that permits” there shall be substituted the words “is granted for”.

## **21 Article 24 amended**

In Article 24(2) the words “by the Minister” in each place in which they occur shall be deleted.

## **22 Article 25 amended**

(1) In Article 25(1) and (12), after the words “the Minister” in each place there shall be inserted the words “, or (as the case may be) the Chief Officer,”.

(2) In Article 25(7) the words “by the Minister” shall be deleted.

- (3) In Article 25(8) the words “with the Minister” shall be deleted.

### 23 Article 26 amended

- (1) In the heading to Article 26, for the words “Minister may terminate” there shall be substituted the words “Termination of”.
- (2) For Article 26(2) there shall be substituted the following paragraph –
- “(2) Where this Article applies, the Chief Officer or (as the case may be) the Planning Applications Committee may serve a notice stating that the planning permission shall cease to have effect upon the expiration of a further period specified in the notice.”.
- (3) In Article 26(4)(c), for the words “in the opinion of the Minister will” there shall be substituted the words “appears likely to”.
- (4) In Article 26(5), for the words “The Minister may withdraw the notice” there shall be substituted the words “The notice may be withdrawn”.
- (5) For Article 26(6) there shall be substituted the following paragraph –
- “(6) If the notice is withdrawn, each person on whom it was served under paragraph (4) shall immediately be notified of the withdrawal.”.
- (6) In Article 26(8) –
- (a) for the words “Action taken by the Minister” there shall be substituted the words “A decision taken”; and
- (b) for the words “that action” there shall be substituted the words “that decision”.

### 24 Article 27 amended

- (1) For paragraphs (1) to (3) of Article 27 there shall be substituted the following paragraphs –
- “(1) Planning permission to undertake a building or other operation on land may be revoked or modified at any time before the building or operation has been completed.
- (2) Planning permission to change the use of land may be revoked or modified at any time before the change of use has been completed.
- (3) The Chief Officer or (as the case may be) the Planning Applications Committee shall serve notice of any revocation or modification of planning permission on the owner and (if different) the occupier of the land.”.
- (2) Article 27(5) shall be deleted.
- (3) At the beginning of Article 27(6) there shall be inserted the words “Following revocation or modification of planning permission under this Article,”.
- (4) In paragraph (6A), for the word “(6)(a)” there shall be substituted the word “(6)(b)”.

- (5) In Article 27(10) –
  - (a) for the words “action taken by the Minister” there shall be substituted the words “a decision taken”; and
  - (b) for the words “that action” there shall be substituted the words “that decision”.

**25 Article 28 amended**

- (1) In the heading to Article 28, for the words “Minister may provide certificate” there shall be substituted the word “Certificate”.
- (2) In Article 28(1) –
  - (a) for the words “The Minister” there shall be substituted the words “The Chief Officer”; and
  - (b) for the words “granted by the Minister” there shall be substituted the words “duly granted”.
- (3) In Article 28(2) for the words “granted by the Minister” there shall be substituted the words “duly granted”.

**26 Article 33 amended**

In Article 33(1) and (4)(a), the words “by the Minister” shall be deleted.

**27 Article 34 amended**

- (1) In Article 34(1) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (2) For paragraphs (2) to (5) of Article 34 there shall be substituted the following paragraphs –
  - “(2) The application shall –
    - (a) be in the prescribed form;
    - (b) contain, or be accompanied by, such particulars as may reasonably be required to determine the application; and
    - (c) be accompanied by the prescribed fee.
  - (3) An applicant for building permission under this Article may be required to provide such further particulars as may reasonably be necessary to reach a decision in respect of the application.
  - (4) If the applicant fails to provide within a reasonable time the particulars required under paragraph (3), the application may be refused and upon such a refusal no obligation to refund the prescribed fee shall arise.”.

**28 Article 35 substituted**

For Article 35 there shall be substituted the following Article –

**“35 Grant of building permission**

- (1) The provisions of the Building Bye-laws must be taken into account in the determination of an application for building permission.
- (2) In general building permission must be granted if the work proposed in the application is in accordance with Building Bye-laws.
- (3) Despite paragraph (2), building permission may be granted where the proposed work is inconsistent with Building Bye-laws, if the Chief Officer is satisfied that there is sufficient justification for doing so.
- (4) Building permission may be –
  - (a) granted unconditionally, or subject to conditions which must be specified in the grant of permission; or
  - (b) refused.
- (5) A decision taken under this Article does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that decision.”.

**29 Article 36 substituted**

For Article 36 there shall be substituted the following Article –

**“36 Reasons to be given for refusal to grant building permission**

Where a decision is taken to refuse building permission, full reasons for the decision shall be given in writing.”.

**30 Article 37 amended**

In Article 37(1) for the words “the Minister attaches” there shall be substituted the word “attached”.

**31 Article 40 amended**

- (1) In the heading to Article 40 for the words “Minister may serve an enforcement notice” there shall be substituted the words “Enforcement notice”.
- (2) In Article 40(1) for the words “to the Minister” there shall be substituted the words “to the Chief Officer or to the Planning Applications Committee”.
- (3) In Article 40(2) –
  - (a) for the words “the Minister may serve” there shall be substituted the words “the Chief Officer or, as the case may be, the Planning Applications Committee may serve”;
  - (b) in sub-paragraph (c) the words “to the Minister” shall be deleted.



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- (4) In Article 40(3) –
- (a) in sub-paragraph (a) the words “to the Minister” shall be deleted;
  - (b) in sub-paragraph (b), for the words “the Minister requires” in each place in which they occur there shall be substituted the word “required”.
- (5) For paragraph (4) of Article 40 there shall be substituted the following paragraph –
- “(4) Where there has been a breach of development controls, an action or a decision taken under this Article in respect of that breach does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that action or decision.”.

**32 Article 41 amended**

In Article 41(3)(b), the words “the Minister’s” and “to the Minister” shall be deleted.

**33 Article 42 substituted**

For Article 42 there shall be substituted the following Article –

**“42 Variation or withdrawal of enforcement notice**

- (1) An enforcement notice may be withdrawn.
- (2) A requirement in an enforcement notice may be relaxed or waived, and in particular a period specified in an enforcement notice may be extended.
- (3) Where any power is exercised under paragraph (2), notice of the relaxation or waiver shall immediately be served on each person who was served with the enforcement notice.
- (4) The withdrawal of an enforcement notice shall not prejudice a further exercise of the power under Article 40 to serve another such notice.”.

**34 Article 44 amended**

In Article 44(4) the words “to the Minister” shall be deleted.

**35 Article 45 amended**

- (1) In Article 45(1) for the words “to the Minister” there shall be substituted the words “to the Chief Officer or to the Planning Applications Committee”.

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- (2) In Article 45(2) for the words “the Minister may serve” there shall be substituted the words “the Chief Officer or, as the case may be, the Planning Applications Committee may serve”.
  - (3) In Article 45(3) the words “by the Minister” and “to the Minister” shall be deleted.
  - (4) For Article 45(4) and (5) there shall be substituted the following paragraphs –
    - “(4) A stop notice may at any time be withdrawn by a further notice served on each person who was served with the stop notice.
    - (5) The withdrawal of a stop notice shall not prejudice a further exercise of the power under paragraph (2) to serve another such notice.”.
  - (5) In Article 45(9) for the words “The Minister shall display” there shall be substituted the words “There shall be displayed”.
  - (6) For Article 45(12) there shall be substituted the following paragraph –
    - “(12) Where there has been a breach of development controls an action or a decision taken under this Article in respect of that breach does not give any person the right to claim compensation in respect of any loss or damage the person may suffer as a result of that action or decision.”.

### 36 Article 47 amended

- (1) For Article 47(1) there shall be substituted the following paragraph –
  - “(1) This Article applies where it appears to the Chief Officer that there has been a failure to comply with a condition subject to which planning or building permission was granted.”.
- (2) In Article 47(2) for the words “the Minister may serve a notice” there shall be substituted the words “a notice may be served”.
- (3) For Article 47(3)(b) there shall be substituted the following sub-paragraph –
  - “(b) the steps required to be taken, or the activities required to cease, to secure compliance with the condition.”.
- (4) For Article 47(5) and (6) there shall be substituted the following paragraphs –
  - “(5) A condition notice may at any time be withdrawn by a further notice served on each person who was served with the condition notice.
  - (6) The withdrawal of a condition notice shall not prejudice a further exercise of the power under paragraph (2) to serve another such notice.”.

**37 Article 48 amended**

For paragraphs (1) and (2) of Article 48 there shall be substituted the following paragraphs –

“(1) A person mentioned in paragraph (1A) may apply to the Royal Court for an injunction if it appears necessary or expedient to that person for an injunction to be granted to prevent or restrain an actual or apprehended breach of development controls.

(1A) The persons who may apply for an injunction under paragraph (1) are –

(a) the Chief Officer; or

(b) in a case where –

(i) the time limit for any appeal has expired, or

(ii) proceedings on an appeal in that case have been concluded,

the Minister.

(2) Paragraph (1) has effect whether or not the Chief Officer or, as the case may be, the Minister has exercised or is proposing to exercise any other power under this Part.”.

**38 Article 51 amended**

(1) In the heading to Article 51, the words “Minister to maintain a” shall be deleted.

(2) In Article 51(1) for the word “Minister” there shall be substituted the words “Chief Officer”.

(3) In Article 51(2) –

(a) for the words “The Minister shall include on the List” there shall be substituted the words “The List shall include”; and

(b) for the word “Minister” in the second place in which it occurs there shall be substituted the words “Chief Officer”.

(4) In Article 51(3) –

(a) for the words “On the List the Minister” there shall be substituted the words “The List”;

(b) in sub-paragraph (d), for the words “the Minister’s” there shall be substituted the words “the Chief Officer’s”.

(5) In Article 51(4) for the word “Minister” there shall be substituted the words “Chief Officer”.

(6) Paragraphs (5) to (7) of Article 51 shall be deleted.

**39 Article 52 substituted**

For Article 52 there shall be substituted the following Article –

**“52 Notice and procedure for inclusion on, or removal from, the List of Sites of Special Interest**

- (1) Except as provided by Article 53, a building or place shall not be included on or removed from the List of Sites of Special Interest unless notice of the inclusion or removal has been duly served in accordance with this Article.
- (2) Notice of proposed inclusion on the List –
  - (a) shall be served –
    - (i) on the owner of the building or place, or
    - (ii) (where such service cannot be effected) by being displayed in a conspicuous position on or near the building or place; and
  - (b) shall contain a statement to the effect that a person with an interest in the building or place to which the notice relates may, no later than 28 days after the date of the notice, make written representations to the Chief Officer in respect of the proposed inclusion of the building or place on the List.
- (3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (4) In determining whether or not to include a building or place on the List –
  - (a) any representations made in response to the notice under paragraph (2) shall be taken into account to the extent that such representations relate to the special interest of the building or place;
  - (b) where the building or place falls within the area of responsibility or concern of any Minister or body or person created by statute, that Minister, body or person shall be consulted and any representations made in response to the consultation shall be taken into account; and
  - (c) any person considered to have a particular knowledge of or interest in the building or place may be consulted and the views of that person may be taken into account.
- (5) A further notice of the decision as to whether or not to include a building or place on the List shall be served on the owner and (if different) the occupier of the building or place as soon as practicable after the decision has been made.
- (6) Where the Chief Officer is satisfied that the special interest of a building or place has ceased to exist, the building or place may be removed from the List, no sooner than 28 days after service of notice of the intention to do so.
- (7) Such notice as mentioned in paragraph (6) shall be served –
  - (a) on the owner of the building or place; or
  - (b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the building or place.”.

**40 Article 53 substituted**

For Article 53 there shall be substituted the following Article –

**“53 Provisional listing**

- (1) This Article applies where the Chief Officer considers it necessary or expedient to restrain –
  - (a) an actual or apprehended operation in, on, over or under a building or place suitable for inclusion on the List; or
  - (b) an actual or apprehended change (either permanent or temporary) in the use of such a building or place,which, whether or not the operation or change amounts to development, would adversely affect the special interest of the building or place if it were included on the List.
- (2) Where this Article applies a notice may be served declaring the building or place to have been provisionally included on the List, and such notice shall be served –
  - (a) on the owner of the building or place; or
  - (b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the building or place.
- (3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (4) On service of a notice under paragraph (2), details of the building or place shall be entered provisionally on the List, and shall remain on the List until –
  - (a) a determination has been made under Article 52 that the building or place should or should not be included on the List; or
  - (b) the expiration of a period of 3 months beginning with the date of service of the notice under paragraph (2),whichever is the sooner.”

**41 Article 54 amended**

- (1) In Article 54(2)(a) for the words “the Minister’s” there shall be substituted the words “the Chief Officer’s”.
- (2) In Article 54(5)(a) the words “by the Minister” shall be deleted.
- (3) In Article 54(6) for the words “the Minister may attach” there shall be substituted the word “attached”.
- (4) In Article 54(7) for the words “the Minister may serve on that person a notice” there shall be substituted the words “a notice may be served on that person”.

**42 Article 55 amended**

- (1) In Article 55(3)(a) for the words “the Minister’s” there shall be substituted the words “the Chief Officer’s”.
- (2) In Article 55(5) –
  - (a) in sub-paragraph (a) for the words “a form required by the Minister” there shall be substituted the words “the required form”;
  - (b) in sub-paragraph (b) for the words “the Minister reasonably requires” there shall be substituted the words “reasonably required”.
- (3) In Article 55(6) for the words “the Minister may attach” there shall be substituted the words “which may be attached”.
- (4) In Article 55(7) for the words “The Minister may give permission” there shall be substituted the words “Permission may be given”.

**43 Article 57 amended**

In Article 57 in the definition “List of Protected Trees” or “List”, the words “by the Minister” shall be deleted.

**44 Article 58 amended**

- (1) In Article 58(1) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (2) For paragraph (2) of Article 58 there shall be substituted the following paragraph –

“(2) The List shall include trees which the Chief Officer is satisfied should not, in the interests of the amenity of Jersey, be cut down, lopped, or otherwise altered or harmed without the Chief Officer’s permission.”.
- (3) In Article 58(4) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (4) Paragraphs (5) to (7) of Article 58 shall be deleted.

**45 Article 59 substituted**

For Article 59 there shall be substituted the following Article –

**“59 Notice and procedure for inclusion on, or removal from, the List of Protected Trees**

- (1) Except as provided by Article 60, a tree shall not be included on or removed from the List of Protected Trees unless notice of the inclusion or removal has been duly served in accordance with this Article.
- (2) Notice of proposed inclusion on the List –
  - (a) shall be served –

- (i) on the owner of the land on which the tree is growing, or
  - (ii) (where such service cannot be effected) by being displayed in a conspicuous position on or near the tree; and
- (b) shall contain a statement to the effect that any person may make written representations to the Chief Officer in respect of the proposed inclusion of the tree on the List.
- (3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (4) In determining whether or not to include a tree on the List –
  - (a) any representations made in response to the notice under paragraph (2) shall be taken into account to the extent that such representations relate specifically to the proposed inclusion of the tree on the List;
  - (b) any person considered to have relevant expert knowledge may be consulted and the views of that person may be taken into account.
- (5) A further notice of the decision as to whether or not to include the tree on the List shall be served on the owner and (if different) any occupier of the land on which the tree is growing as soon as practicable after the decision has been made.
- (6) Where –
  - (a) the tree ceases to exist; or
  - (b) the Chief Officer is satisfied that it is no longer in the interests of the amenity of Jersey that the tree should be protected,the tree may be removed from the List, no sooner than 28 days after service of notice of the intention to do so.
- (7) Such notice as mentioned in paragraph (6) shall be served –
  - (a) on the owner of the land on which the tree is or was growing; or
  - (b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the tree or place where the tree is or was growing.”.

**46 Article 60 substituted**

For Article 60 there shall be substituted the following Article –

**“60 Provisional listing of trees**

- (1) This Article applies where the Chief Officer considers it necessary or expedient to restrain the actual or apprehended removal of, or

damage to, a tree suitable for inclusion on the List of Protected Trees.

- (2) Where this Article applies a notice may be served declaring the tree to have been provisionally included on the List, and such notice shall be served –
  - (a) on the owner of the land where the tree is growing; or
  - (b) (where such service cannot be effected) by being displayed in a conspicuous position on or near the land where the tree is growing.
- (3) A person who without lawful authority removes or defaces a notice displayed under paragraph (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (4) On service of a notice under paragraph (2), details of the tree shall be entered provisionally on the List, and shall remain on the List until –
  - (a) a determination has been made under Article 59 that the tree should or should not be included on the List; or
  - (b) the expiration of a period of 3 months beginning with the date of service of the notice under paragraph (2),whichever is the sooner.”.

#### 47 Article 61 amended

- (1) In Article 61(1), in each place in which they occur, the words “the Minister’s” shall be deleted.
- (2) In Article 61(3) for the words “the Minister may attach” there shall be substituted the word “attached”.
- (3) In Article 61(4) for the words “a species specified by the Minister” there shall be substituted the words “a specified species”.

#### 48 Article 62 amended

- (1) For the heading to Article 62 there shall be substituted the following heading –

**“62 Preservation and planting of trees in connection with planning permission”.**

- (2) In Article 62(1) for the words “The Minister shall, when granting planning permission to develop land ensure” there shall be substituted the words “A decision-maker granting planning permission to develop land shall ensure”.
- (3) In Article 62(2) for the words “Also when granting planning permission the Minister shall” there shall be substituted the words “A decision-maker granting such permission shall also”.
- (4) At the end of Article 62 there shall be added the following paragraph –



“(3) In this Article, ‘decision-maker’ has the meaning given by Article 22(3).”.

**49 Article 66 amended**

- (1) In the heading to Article 66 for the words “Minister may serve a dangerous” there shall be substituted the word “Dangerous”.
- (2) In Article 66(1) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (3) In Article 66(2) for the words “the Minister may serve a notice” there shall be substituted the words “a notice may be served”.
- (4) In Article 66(4)(a) the words “to the Minister” shall be deleted.

**50 Article 68 substituted**

For Article 68 there shall be substituted the following Article –

**“68 Variation or withdrawal of dangerous building notice**

- (1) A dangerous building notice may be withdrawn.
- (2) A requirement (including in particular any period specified for the undertaking of work) in a dangerous building notice may be relaxed or waived.
- (3) Where any power is exercised under paragraph (2), notice of the relaxation or waiver shall immediately be served on each person who was served with the dangerous building notice.
- (4) The withdrawal of an dangerous building notice shall not prejudice a further exercise of the power under Article 66 to serve another such notice.”.

**51 Article 72 amended**

In Article 72 after the word “Minister” there shall be inserted the words “or Chief Officer”.

**52 Article 76 amended**

In Article 76(2)(b) for the words “the permission of the Minister” there shall be substituted the word “permission”.

**53 Article 78 amended**

In Article 78(2) for the words “by the Minister” there shall be substituted the words “by the Chief Officer”.

**54 Article 81 amended**

In Article 81(2)(a) for the words “the permission of the Minister” there shall be substituted the word “permission”.

**55 Article 82 amended**

In Article 82(2) for the words “by the Minister” there shall be substituted the words “by the Chief Officer”.

**56 Article 83 amended**

In Article 83(1) in the definition “land condition notice” the words “by the Minister” shall be deleted.

**57 Article 84 amended**

- (1) In the heading to Article 84 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 84(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

**58 Article 85 amended**

- (1) In the heading to Article 85 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 85(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

**59 Article 86 amended**

- (1) In the heading to Article 86 for the words “Power of Minister to require” there shall be substituted the words “Notice requiring”.
- (2) In Article 86(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

**60 Article 87 amended**

- (1) In the heading to Article 87 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 87(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

**61 Article 88 amended**

- (1) In the heading to Article 88 for the words “Minister may require” there shall be substituted the words “Notice requiring”.

- (2) In Article 88(1) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

**62 Article 89 amended**

- (1) In the heading to Article 89 for the words “Minister may take” there shall be substituted the words “Notice requiring”.
- (2) In Article 89(1) –
  - (a) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”; and
  - (b) for the words “to dealt” there shall be substituted the words “to be dealt”.

**63 Article 90 amended**

- (1) In the heading to Article 90 for the words “Minister may require” there shall be substituted the words “Notice requiring”.
- (2) In Article 90(1) and (2) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

**64 Article 92 substituted**

For Article 92 there shall be substituted the following Article –

**“92 Variation or withdrawal of land condition notice**

- (1) A land condition notice may be withdrawn.
- (2) A requirement (including in particular any period specified for the undertaking of work) in a land condition notice may be relaxed or waived.
- (3) Notice of the relaxation or waiver shall immediately be served –
  - (a) in a case where the land condition notice was served on a person, on each person who was served with the land condition notice; or
  - (b) in a case where the land condition notice was served by being conspicuously displayed at a place, by displaying an amended notice at the same place.
- (4) The withdrawal of a land condition notice shall not prejudice a further exercise of the power to serve another such notice.”.

**65 Article 95 amended**

In Article 95 after the words “by the Minister” there shall be inserted the words “or Chief Officer”.

**66 Article 99 amended**

- (1) In the heading to Article 99 for the words “Minister may control” there shall be substituted the words “Control of”.
- (2) In Article 99(1) for the words “the Minister” there shall be substituted the words “the Chief Officer”.
- (3) For Article 99(2) there shall be substituted the following paragraph –
  - “(2) The application shall –
    - (a) be in the form required by the Chief Officer;
    - (b) contain, or be accompanied by, such particulars as may reasonably be required to determine the application; and
    - (c) be accompanied by the prescribed fee.”.

**67 Article 100 amended**

In the heading to Article 100 the words “of Minister” shall be deleted.

**68 Article 101 amended**

- (1) In Article 101(1) for the words “The Minister may attach conditions” there shall be substituted the words “Conditions may be attached”.
- (2) In Article 101(2) for the word “imposed” there shall be substituted the word “attached”.
- (3) In Article 101(3) the words “by the Minister” in each place in which they occur shall be deleted.

**69 Article 108 amended**

In Article 108(2) –

- (a) in sub-paragraph (a) for the words “, (4) or (5)” there shall be substituted the words “or (4)”;
- (b) in sub-paragraph (i) for the word “51(5)” there shall be substituted the word “52(6)”;
- (c) in sub-paragraph (l) for the words “60(5) or (6)” there shall be substituted the word “59(6)(b)”.

**70 Article 121 amended**

- (1) In Article 121(3)(b)(ii) the words “the Minister” shall be deleted.
- (2) In Article 121(4) for the words “the Minister is unable” there shall be substituted the words “it is not possible”.

**71 Citation and commencement**

These Regulations may be cited as the Planning and Building (Amendment of Law) (Jersey) Regulations 201- and shall come into force immediately after the

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coming into force of the Planning and Building (Amendment No. 6) (Jersey)  
Law 2014<sup>3</sup>.

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- <sup>1</sup> *L.34/2014*  
<sup>2</sup> *chapter 22.550*  
<sup>3</sup> *L.34/2014*