

# STATES OF JERSEY

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## **DRAFT PLANNING AND BUILDING (AMENDMENT No. 2) (JERSEY) LAW 200 (P.47/2005): AMENDMENTS**

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**Lodged au Greffe on 5th April 2005  
by Deputy C.J. Scott Warren of St. Saviour**

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**STATES GREFFE**

DRAFT PLANNING AND BUILDING (AMENDMENT No. 2) (JERSEY) LAW 200 (P.47/2005):  
AMENDMENTS

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PAGE 10, ARTICLE 3 –

*Insert immediately after the heading to the Article –*

“(1) In Article 114 of the principal Law for paragraphs (1) and (2) there shall be substituted the following paragraphs –

‘(1) This Article applies to a decision by the Committee to grant planning permission on an application made to it in accordance with Article 9(1) if a submission was made to the Committee in respect of the application prior to the Committee making its decision by a person (other than the applicant) who –

(a) has an interest in land; or

(b) is resident on land,

any part of which is within 50 metres of any part of the site to which the planning permission relates.

(2) For the purposes of paragraph (1), a person who has made a submission to the Committee includes a body or person created by statute (other than a Committee) that has commented on the application as a result of the Committee’s compliance with Article 17.’ ”

*Number the existing paragraph of Article 3 as paragraph (2) of that Article.*

DEPUTY C.J. SCOTT WARREN OF ST. SAVIOUR

## **REPORT**

Members will be aware that the delay in bringing the Planning and Building (Jersey) Law 2002 into force has in part been due to concern that third party appeals may increase to an unacceptable level the cost to the Environment and Public Services Committee of implementing the Law.

The Law at present provides that any person who has objected to an application for planning permission may appeal against the grant of the permission. This means that a person who may in no way be affected if the development goes ahead would have a right of appeal merely by objecting to the application.

My proposed amendments will limit the right to appeal against the grant of planning permission to those who, having objected at the time of the application for the permission, fulfil the criterion of either living within 50 metres of any part of the site to which the planning permission relates, or having an interest in property, any part of which is within 50 metres of any part of the site. The interest in property includes a body or person created by statute.

If these amendments are agreed the number of appeals against the grant of planning permission should fall considerably and consequently the cost to the Committee of implementing the Law would be greatly reduced. However, the original intention of providing a third party right of appeal for those who feel genuinely aggrieved by a grant of permission would still be retained, albeit limited to a radius of 50 metres of a site.

It should therefore be possible to implement the Law IN FULL, as it was intended to be implemented, soon after the amending Law has been approved by the Privy Council.