
STATES OF JERSEY



PLANNING COMMITTEE REPORT 2019, 2020, 2021 & 2022

Presented to the States on 5th May 2023
by the Minister for the Environment

STATES GREFFE

REPORT

1. Article 9A of the [Planning and Building \(Jersey\) Law 2002](#) requires that:
 - “(6) The Planning Committee shall, within the period of 3 months following the end of a year, report to the States –
 - (a) the number of decisions made by the Committee under this Law during that year
 - (b) the number of appeals made during that year against decisions made by the Committee under this Law;
 - (c) the Committee’s assessment of planning policy and any recommendations it has for its revision.
 - (7) Where, under paragraph (6)(c), the Planning Committee makes recommendations about planning policy, the Minister shall present to the States his or her response to the recommendations.”
 2. This report is presented to the States for the purposes of complying with this provision, albeit it is acknowledged that this information has been delayed due to staffing pressures during the Covid-19 pandemic and staffing shortages.
 3. Between 1 January and 31 December **2019**, the Planning Committee determined **107** (24 Requests for Review and 83 applications).
 4. Between 1 January and 31 December **2019**, **18** of the Committee’s previous decisions were appealed under the planning appeals system (11 of which were upheld, 4 of which were reversed and 3 were invalid).
 5. Between 1 January and 31 December **2020**, the Planning Committee determined **82** applications (27 Requests for Review and 55 applications).
 6. Between 1 January and 31 December **2020**, **5** of the Committee’s previous decisions were appealed under the planning appeals system (4 of which were upheld and 1 of which was reversed).
 7. Between 1 January and 31 December **2021**, the Planning Committee determined **107** applications (54 Requests for Review and 82 applications).
 8. Between 1 January and 31 December **2021**, **9** of the Committee’s previous decisions were appealed under the planning appeals system (7 of which were upheld, 0 of which were reversed and 2 were invalid).
 9. Between 1 January and 31 December **2022**, the Planning Committee determined **108** applications (36 Requests for Review and 72 applications).
 10. Between 1 January and 31 December **2022**, **14** of the Committee’s previous decisions were appealed under the planning appeals system (4 of which were upheld, 0 of which were reversed, 1 was invalid and 2 were withdrawn. The final 7 decisions are awaited.).
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11. Committee Members have made the following comments to the Minister.

Insufficient Land for light industrial purposes

This issue was identified by members whilst considering application P/2020/1015 (change of use of part of the ground floor of the Jersey Yacht and Boat yard, St. Helier to facilitate a warehouse/distillery with gin tasting) at the meeting of 2nd February 2022. Committee refused the application but recommend that the Minister give consideration to the provision of land for light industrial uses in the Bridging Island Plan.

GD5 – Demolition and Replacement Buildings

The Committee have considered numerous applications involving demolition and would like clarification of what constitutes sufficient evidence that a building is genuinely compliant with the requirements of GD5 and that demolition is justified? The Committee/Officers should not be solely reliant on the evidence provided by the applicant's own surveyor/engineer.

ERE3– Conversion or Re-Use of Traditional Farm Buildings

Further clarification is required in relation to advertising (particularly) agricultural buildings when there is an application for change of use or conversion under ERE3. Guidance is required to ensure a consistent approach is adopted by all applicants/agents to enable consistency for decision makers.

H9 – Housing Outside the Built-Up Area

Clarification is needed on how much of the original dwelling must be retained to be classed as an “extension” to avoid scenarios where only a couple of walls are retained and the development resembles a new dwelling more closely than an extension.

Clarification as to what constitutes a “disproportionate increase” (Policy H9.1) would also be helpful.

Inadequate Support for Sea-Fishing

Background

The glossary of the Bridging Island Plan defines agriculture and aquaculture – neither of which cover sea-fishing.:

Agriculture/agricultural land: includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock, the use of land as grazing land, meadow land, market gardens and nursery grounds. It is formally defined by the Protection of Agricultural Land (Jersey) Law 1964.

Aquaculture: the farming of fish, crustaceans, molluscs, aquatic plants, algae and other water-dwelling organisms. Aquaculture does not include the catching of wild fish, either on a commercial or on a hobby basis.

As such, accommodation for workers employed in sea-fishing industry cannot be provided in the BIP if it is outside of the Built-Up Area. Policies ERE8, H9 and H10 do not allow for this. This was highlighted in the application The Pastures (P/2022/0840) which was presented at the February 2023 Committee Meeting.

Planning Obligation Agreements (POA)

Upon the advice for Law Officers, matters previously dealt with by POAs such as occupancy restrictions are now being dealt with by condition e.g. The Pastures (P/2022/0840). Some members of the committee are concerned that this approach does not adequately allow for all circumstances and may restrict approvals as it was felt that Planning Conditions are often challenged at a later date.

Technical Support Team (TSO)

Planning applications which are incomplete and/or poor quality are being registered by the TSO Team due to inadequate resourcing. Such applications should not be accepted. Planning officers and committee members are placed in the difficult position of having to assess and determine incomplete applications. The resourcing of this team needs to be strengthened and only complete applications registered.