

STATES OF JERSEY



ISLAND PLAN 2011: APPROVAL (P.48/2011): FORTY-NINTH AMENDMENT

Lodged au Greffe on 20th June 2011
by the Minister for Planning and Environment

STATES GREFFE

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After the words “the revised draft Island Plan 2011” insert the words –

“(a) except that in the section relating to Listed buildings and places, paragraph 3.18 (page 112), after the words ‘front elevation of the main building’ insert the following words –

‘Listed buildings and places do not enjoy the same permitted development rights of other properties, as a consequence of the need for the greater regulation of change to historic fabric. To ensure that the owners of these properties are not treated unfairly and required to pay fees for works which would otherwise be deemed to exempt from planning control, the Minister for Planning and Environment will amend the planning fee schedule, which is regulated by Order.’; and

(b) except that at the end of paragraph 3.18 (page 112) after paragraph 3.18 (page 112) insert the following proposal –

‘Proposal 7: Listed buildings and permitted development

The Minister for Planning and Environment will amend the Planning and Building (Fees) (Jersey) Order 2008 to ensure that planning applications in respect of listed buildings or places will be exempt from planning fees to the extent that such fees would not have been payable were the building or place not listed.’,

and renumber the subsequent proposals, as necessary.”

MINISTER FOR PLANNING AND ENVIRONMENT

NOTE:

This amendment has been lodged by the Minister for Planning and Environment for less than 8 weeks before the start of the debate in accordance with the provisions of Article 4A of the Planning and Building (Jersey) Law 2002. Paragraphs 4A(2), (3) and (4) are in the following terms –

4A Procedure for and following lodging of draft Island Plan

- “(2) An amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 8 weeks.
- (3) An amendment to an amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 6 weeks.

- (4) Paragraph (2) or (3) does not apply to an amendment lodged by the Minister if the States agree that the amendment may be debated forthwith or on a day or at a time approved by the States.”

In accordance with the provisions of paragraph (4) the Minister for Planning and Environment will seek the agreement of the States to debate this amendment during the debate on the ‘Island Plan 2011: approval’ (P.48/2011).

REPORT

This amendment relates to Part 6 of the 38th amendment brought by the Connétable of St. Helier.

The Minister is sympathetic to the intent of the proposed amendment. The substance of it is not, however, a matter of Island Plan policy but is regulated through the Planning and Building (Fees) (Jersey) Order 2008, which is revised annually by the Minister for Planning and Environment and tabled before the States.

On this basis, it is considered more appropriate to add a new proposal to the Plan to reflect this intent, rather than to append it to a policy. This is what the Minister's amendment does.

The independent planning inspectors offer support for the Minister's proposed amendment.

Financial and manpower implications

The loss of planning fees resulting from the amendment would need to be recovered through the adjustment of other planning application fees levied by the Minister for Planning and Environment by way of amendment to the Planning and Building (Fees) (Jersey) Order 2008.