

STATES OF JERSEY



COMMITTEE OF INQUIRY INTO THE OPERATION OF THIRD PARTY PLANNING APPEALS (P.35/2008): COMMENTS

**Presented to the States on 1st May 2008
by the Minister for Planning and Environment**

STATES GREFFE

COMMENTS

Members will be interested to know that, at the date of drafting these comments, 7 appeals had been lodged by third parties against the granting of planning permission since the new provisions came into force at the end of March 2007. For the present, there is little to evaluate.

Of the 7 appeals, 5 were withdrawn by the applicants before they were heard by the Royal Court. It is understood that one of those cases was withdrawn because of the risk of the appellant's exposure to the costs of an award, as the 'ordinary' Royal Court procedure was used because the case raised legal issues, and another was withdrawn when the parties reached agreement over a boundary dispute. The reasons for the other 3 withdrawals are unknown, but are not thought to relate to the risk of costs.

Of the remaining 2 appeals, one was dismissed as invalid, as it related to a decision made before the third party appeal provisions came into force, and in the other the appellant did not have an interest in property within 50 metres of the application site.

Financial implications

While I support the principle of a Committee of Inquiry into the matter of third party appeals, the Department cannot afford to meet the costs from its 2008 budget, notwithstanding the comments of the Minister for Treasury and Resources. The subject matter, in any case, relates to a decision of the States to adopt third party appeals, and not to a decision of the Minister or the preceding Committees, and thus the Planning and Environment Department cannot reasonably be expected to meet the costs of such an Inquiry.