

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT  
BY DEPUTY P.V.F. LE CLAIRE OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 1st NOVEMBER 2011**

**Question**

Does Jersey have an equivalent to a Section 106 Agreement found within the UK Town and Country Planning Act 1990 which allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission?

What amount of money, if any, was levied from flats that were approved during both Senator Ozouf's and Senator Cohen's tenures as President of the Environment and Public Services Committee and Minister for Planning and Environment respectively and how many were approved?

**Answer**

Planning Obligation Agreements were first introduced into Jersey via Amendment No. 8 of the Island Planning (Jersey) Law, 1964, which was adopted by the States in November 2002. The provision was carried through into the Planning and Building (Jersey) Law 2002, when it was adopted in 2006.

In both cases, the provision allows the Minister to enter into agreement with the owner of an interest in land to

- (a) restrict the development or use of land in a specified way;
- (b) require a specified operation or activity to be undertaken in, on, over or under the land; or
- (c) require the land to be use in a specified way.

Typically, planning obligation agreements are used on larger projects to ensure that a developer adheres to a States policy objective which cannot be controlled by a condition on the planning permission. Agreements must be relevant to the development under consideration by the Minister and also to a reasonable planning objective. Examples include the carrying out of infrastructure improvements (provision of a footpath or bus shelter), controlling the occupancy of residential units to a particular group of people (either to first time buyers or the over 55s) or to the handing over of monies for the supplementation of a public service (such as enhancements to the bus service).

In relation to the second part of the question, the amount of money required from Planning Obligation Agreements relating to flats is as follows:

Senator Ozouf.

Bergerac Apartments, St. Brelade (54 flats and 45 houses)

- a) Bus shelter - £3,000

Fields 181, 182, 183 St Peter (24 flats and houses)

- a) Extend cycle track from airport to railway walk - £30,000

Westview Farm

- a) Highway improvements on road junction

Senator Cohen

Portelet Holiday Village (46 flats and 7 houses).

- a) Bus shelter - £6,000

Old Canning Factory, Chellow Dene etc., Plat Douet (14 flats and 20 houses)

- a) Junction improvement – work carried out by developer - sum unknown
- b) Pedestrian refuge – work carried out by developer - sum unknown

Esplanade Quarter (outline permission for 388 flats, plus offices, retail, restaurant, hotel and other uses)

- a) Public art - £825,000
- b) Transport (dependant on set tariffs per square metre of final floor space, not yet decided) - sum not yet calculated

Castle Quay (280 flats, plus office, retail and restaurant uses)

- a) CCTV - £68,000
- b) Transport - £105,877