

TECHNICIANS NOTES NO.1

BASIC NOTES ON SCREENING AND OTHER DUTIES

Version 2 –29 March 2005

INTRODUCTION

All new applications are screened by the Planning Technicians to ensure that they include all the basic information required. We are also preparing an Advice Note for applicants to clarify precisely what is required. This will avoid a number of queries and allow us to raise the quality threshold. Simply put, if an application does not meet the minimum requirements, it will be returned.

**This document clarifies procedures as they are today. They can change.
Ensure therefore you have the latest version.**

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THE SCREENING FORM

Development Control Admin (DCA) make a first assessment of the fee, and put this and their initials in the “**screened by**” box. Our Audit requires two checks on the fee.

If you are unsure of a **fee** ask the Assistant Senior Planners. The Assistant Director (Development Control) has the final say and only he and The Director can vary or waive a fee.

Look out for any reference to a specific Planning or Enforcement Officer on the form or any attached letter. Applications often follow correspondence with a Planning Officer and it will normally make sense to allocate the application to the person who has been in correspondence before. Also, if you have any screening queries, that officer may be able to help you.

Look in particular to see if the application is **retrospective** – e.g. have they sent photos of it already built, is an Enforcement Officer’s name quoted? If an application is retrospective this must be included at the beginning of the description, (in capitals), and the fee is doubled.

Put your name in the **Planning Officer box**, and date.

Check the **site address** and write it in so that it is clear which application the form relates to. Sometimes an address states 'formerly known as' in which case include that too.

Description – Write OK, or amend if necessary. All work which requires Permission should be included, with the most major or significant elements first. See also notes on Retrospective applications above and Revised Plans applications on page 7.

Application Form – Must be completed in full, signed and dated. The owner should sign the relevant part of the form. We will however accept the agent signing it 'on their behalf'.

Location Plan – must be a standard 1:2500 Ordnance Survey Plan available from our reception area, unless the agent has an Ordnance Survey Licence to print them. Ralph Buchholz handles these licences and has a list of holders. In all cases the site should be accurately outlined in red. A vague or inaccurate circle around it, a cross or shading, is not adequate. The area outlined in red is important, as any requirements we have on Conditions on a Permit, can only apply to the area outlined in Red, which legally is "The Site". We can also make requirements upon adjoining land in the same ownership, which should be outlined in blue.

Ensure that all the plans match and that it is the correct site. If not, it will be incorrectly entered in the GIS system and not recorded properly in Merlin. This will make finding it for a Legal Search for example impossible.

Site Plan – Must be at a readable and recognised scale, for e.g. 1:100, 1:200 or 1:250. Above all it must be accurate and clearly show the position of what is proposed, and a north point. It should pick up the position and details of surrounding properties and key features of the site, such as buildings, access points, boundaries, parking and landscaping. (See also 'Materials and other Information').

An exception to this would be a bare Planning in Principle application where it is possible to submit an application for say the construction of a dwelling, merely with an Ordnance Survey Location Plan.

Floor Plans - Must correspond with the Site Plan and elevations. For new buildings must show the entire floor area and each floor. For extensions, the new build must be clearly shown and it must be clear what is existing and what is new.

Elevations – Must include all effected faces of the building or structure, correspond with the floor plans, be accurate, and include all materials, windows and door designs, and methods of opening.

Materials and Other Information – All external materials must be clearly shown. In addition for new houses, gardens (sometimes called amenity space) must be clearly shown. For any development, especially new houses and house extensions, car parking must be clearly and accurately shown to scale.

Check that all drawings are to a recognisable scale (not 1:300, 1:400 etc, and that the scale quoted makes sense. It is easy to get this wrong on CAD drawings.

Design Statement – Not a prerequisite of all applications but a requirement of Policy G4 for major or unusual developments.

Waste Management Plan – Any application involving demolition or excavation should include details of how waste is to be used or disposed of.

Traffic Impact Assessment – Major developments generating large volumes of traffic should include a TIA.

Fee boxes – Calculate the fee according to the Fee Schedule and complete these boxes. Merlin includes a fee calculator.

Does the development require Planning Permission – Ensure if the work submitted requires Planning Permission. Some works, particularly extensions or outbuildings to a domestic property, may be exempt under the Exempt Operations Regulations. If the work is exempt a letter would need to be sent to the applicant, and their application and fee returned, retaining one copy for our records. If it is marginal whether Planning Permission is required or not, and it is decided to accept the application, then an explanation of how this decision was made should be written out in the “Notes” section. Any other useful observations should also be written in this box.

Return the application? – There is a fine balance between high standards and over-bureaucracy, but the purpose of screening is to ensure an application is adequate and can be decided in its submitted form. If important information is missing or incorrect it should therefore be returned. If the information can be gained within 24 hours however – e.g. a fee, signature or location plan – then it is better to call and give the agent 24 hours. If it will take longer than that, send it back.

If you return an application you must send a letter to explain why. Retain a copy of that letter and the screening form, on a clearly marked file – one for each team – in date order.

Application type – Circle which is the relevant application type. P (Detailed Planning) – SP (Small Works Planning) RW (Replacement Windows) A (Advertisement) PP (Planning Permission In Principle), or RP (Revised Plans).

Advertise application – Circle Yes or No. All applications should be advertised except “Small Works” – see definition on page 6. This may change in the future.

Consultations – See heading below.

Allocate to - See heading below.

Once completed, pass the form and the application to DCA who fill out the remainder of the bottom two lines and make up an application file.

CONSULTATIONS

On many applications the Planning Officer will require input from other experts or consultees. The consultations required depend on the nature of the development and its location and follow a basic common sense approach.

Agriculture & Fisheries (Land Controls & Agricultural Development Section of the Environment Department) – Any application involving the Change of Use of agricultural land or buildings to another use, new agricultural development including dwellings, sheds, glasshouses and polytunnels, or any other development on agricultural land.

Housing Department – Any application including a loss of a dwelling, flat, or other unit of accommodation or the loss of floor space from a dwelling, flat, or unit of accommodation. Also the loss or creation of a Lodging House.

Tourism – Any Change of Use from a tourism premises, any application (except Small Works) related to an existing tourism premises, or any application for new tourism related development including a hotel or guest house, a tourist facility or attraction.

Highways Authority - Any application which includes a new access, the alteration of an existing access, or a development or a Change of Use which would potentially increase or alter the nature of usage of an existing access or the surrounding road network (e.g. increase in lorries), should be sent to the relevant Highways Authorities.

In addition, any application for any structure including a building, fence or other means of enclosure, adjacent or close to a road junction or driveway, which is likely to effect motorist's visibility, should be sent to the Highways Authority, including Small Works applications.

Advertisement applications too should be sent to the Highways Authority, where the signs are projecting, or large or flashing and hence may distract motorists. Any projecting sign in St. Helier should be sent to the Parish as it may affect CCTV.

If the road is under the control of the Parish then the relevant Parish should be notified. If however the road is administered by the Public Services Highways Section, then they should be notified and not the Parish. The Parishes should not normally be notified of any other application, with the exception of the parishes of St. Helier and St. Saviour, who require any application which involves bin storage or a change to bin storage, to be sent to them.

As a result of the Canavan Report (2004), it has now been agreed that any application which is likely to generate a significant increase in traffic movements or heavy traffic movement, should be sent to both the Parish and PSD regardless of which is responsible for that road.

Public Services Drainage – Any proposal for or requiring, a new drainage system, or an application for any form of development where it is likely that the use of the drainage system would increase, (such as a new dwelling, office or commercial premises), in the rural areas or any other area where mains drains are not available. This includes house extensions in these areas, where the number of bedrooms is increased, or where a dining room, playroom, study or similar, may add to the use of the drains.

Public Services (Lighting) – Any major lighting schemes, e.g. round a football ground or a car compound should be sent to Dave Atkinson in Public Services for comment.

Design & Conservation Section – (Historic Buildings) – Would not normally be a consultee. The Case Officer will ask for comments from the Design & Conservation Section detailing precisely what input is required.

Public Health (known as Health Protection Unit of Health and Social Services or Environmental Health Officer) Any application likely to give rise to noise, fumes, dust or smell nuisance, e.g. takeaway restaurants, industrial uses in residential areas or stables. The HPU has produced its own list of applications on which they wish to be consulted – attached. They will often request others, and these requests will be honoured, usually by DCA. See also ‘Soil Contamination’ below.

Health & Safety Inspectorate – Any application within a designated NR13 Safety Zone or for example where dangerous materials are to be stored. Also where danger may result from a development not in terms of working conditions, but through for example, the creation of a quarry or reservoir. See also ‘Soil Contamination’ below.

Harbours & Airport – Any application in relation to the above sites and any other major development within the area that may have an impact on either Harbours or the Airport. Any development within the designated Noise Zones around the Airport should also be sent to the Harbours & Airport Committee and the Health Protection Unit. Any development which is likely to obstruct the path of planes coming into or leaving the Airport or included in the Airport Public Safety Zone must be notified to the Airport. DCA will automatically generate consults for applications in the Noise Zones or Public Safety Zone. We have also asked the Airport to clarify a broader area in which they would like to be consulted due to our recent concerns with regard to the use of machinery during construction close to the Airport. Their comments are awaited.

States Police - Any application for a projecting advertisement in St. Helier, as this may affect the line of sight of CCTV. Parish of St. Helier also to be consulted.

Environment Department – (formerly Environmental Services Unit ESU) – Will normally request applications themselves. If however you feel it is evident that they will have an input due to a proposals impact on the environment, then they should be consulted at the outset. This may include the substantial loss of trees, the decommissioning of a petrol station, or of any other development likely to affect the natural environment. The process for these consultations is clarified in an e-mail from Sarah Le Claire, dated 23rd September 2004 (attached). See also ‘Soil Contamination’ below.

Water Resources – now part of the Environment Department (see above) – and will usually ask for applications they are interested in. In an e-mail of 7 October 2003, JAQ asked that consultations no longer be sent to WR. If however there is a clear concern of a possible pollution of groundwater, including swimming pools, they should be notified at the outset – lack of resources in another dept is no reason for us to ignore a potential planning issue.

Jersey Water (formerly Jersey New Waterworks Co Ltd) – In accordance with Policy NR1 of the Island Plan should be consulted on applications in the Water Pollution Safeguard Area. In November 2004 Howard Snowden at Jersey Water clarified that they should be consulted on development not connected to mains drains and any commercial development, in the WPSA. The Technician should tick the relevant box on the Screening Form if the application form or drawings show no mains drains

or if the site's use is commercial. DCA will then check the zoning and if the site is in the WPSA, tick the relevant box and consult Jersey Water.

Soil Contamination - Any application where contamination of soil, or development upon already contaminated soil (e.g. industrial site or petrol station) is likely, should be sent to the Health Protection Unit (EHO), the Environment Department (ESU), PSD Waste (Boyd Bennie) and the Health & Safety Inspectorate.

SMALL WORKS APPLICATIONS

The Department used to have a separate application form for “Small Works” or “Minor Works” applications. This is no longer the case, but the phrase is still used and these applications are not normally advertised:-

- Extensions at ground floor only of less than 20sq.m. and less than 3 metres in depth measured from the wall on to which the extension is attached.
- New ground floor windows.
- Inground swimming pools under 20sq.m. in area.
- Outbuildings of less than 20sq.m. in floor area.
- New means of enclosure such as walls and fences.

However, it may be that the particular proximity or relationship between buildings will mean the application should be advertised. If however you vary from the norm, the reason for doing so must be recorded on the Screening Form, and you should normally discuss it with your Assistant Senior Planner.

ALLOCATE TO

The Support Team deals with all of the applications that appear small scale and straightforward:-

- All application types defined as Small Works above.
- Advertisement applications.
- New rooflights, first floor windows,
- First floor extensions and balconies, dormers, changes to or creation of a new accesses.
- Shop front applications (outside Central Team area).
- Rooflights
- Single storey domestic extensions
- Installation of air conditioning, plant or similar machinery
- Applications for landscaping within a domestic curtilage including decking
- All conservatories
- All porches
- Telephone and electrical sub-stations
- New or altered means of access
- Satellite dishes and antennae
- Material alterations of a minor nature (as defined in the fee schedule)

All remaining applications are dealt with by either the Central Team (for the Parishes of St. Helier, St. Lawrence, St. Clement and St. Saviour) or the Rural Team for all other Parishes.

Replacement Windows applications are at present allocated directly to Sara Marsh.

REVISED PLANS APPLICATIONS

Please refer to the existing Development Control Practice Note.

The Technician will need to get the original application file to see if the new application is a genuine Revised Plans Application and to ensure all the alterations are included in the description. You may need to discuss it with the original Case Officer. A Revised Plans Application cannot follow a Refusal, only a Live Permission.

Be sure that the description is the original description then "REVISED PLANS" – and then all of the alterations proposed. All alterations must be paid for.

RESIDENTIAL CURTILAGE

The definition of a residential curtilage is important, as within the authorised curtilage land can be manicured to form a garden, and certain developments can be carried out without the requirement for an application as it will be deemed exempt by the Exempt Operations Regulations. In the past it has been argued that on an application for work to a house or in a garden, the area outlined in Red on a Location Plan is then treated as residential curtilage. This is no longer our view however. Moreover, as the latest application forms do not ask the applicant to declare the proposed use of "The Site", the Red line does not infer a residential curtilage.

SCREENING LOG

When screening any application it must be recorded in the 'Screening Log'. This measures application types by Parish and enables us to see how workload/work type varies across the Teams and the Parishes. We are investigating whether Merlin can now help to do this automatically. Until that is resolved however, the manual log should be kept up to date.

LETTERS LOG

All applications seeking advice or agreement before or after an application, and general enquiries, have been logged since 18 October 2004. This allows us to record the number of letters received, who is dealing with them, and how quickly we reply. The Technicians input the initial information and reference, the Case Officer inputs the reply date and confirms the reference.

CONDITIONS MONITORING AND COMPLETION CHECKS

With immediate effect the Technicians will, each Monday, run a list of Commencements in Merlin. Each is responsible for their area but in the absence of one, the other takes responsibility for both teams. The Technician will assess if Planning Permission was needed. If it is and has not been given, the applicant must be informed in writing immediately. If it has, the Technician must see if any conditions have to be dealt with, and pursue this with the applicant/agent. The Technician should liaise with the Case Officer, but is the Technicians responsibility to follow any matters up, and to establish a log or diary system to do that. Clear, up to date notes must also be kept on the application file. Post it notes or any unsigned, undated or un-referenced notes, will not do.

The Technicians will also run each Monday, a list of Completions and undertake a check on these, recording their findings on file and pursuing any problems.

OTHER ISSUES

Please see separate basic guidance for Technicians on:-

- How to undertake a History check.
- How to deal with Telephone enquiries.
- The Exempt Development Caveat
- How to deal with telephone enquiries.

LIST OF UPDATES

Version 2 – 16 March 2005 – List of Updates section added
Addition to Highways Authority Consultations
Contents section updated

Andy Townsend
Principal Planner

c.c. All DC Staff/Reception Staff/DCA/BCA

Encl: HPU Consultation requirements

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Jersey Evening Post
Jersey Evening Post
Jersey Farmers Union
Jersey Gas Co
Jersey Heritage Trust
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National Trust For Jersey
National Trust For Jersey
Nick Armstrong
Parish Hall – St Brelade
Parish Hall – St. Clement
Parish Hall – St John
Parish Hall – St Mary
Parish Hall – St Peter
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Deidre Mezbourian
Derek Gray
Frank Walker
Freddie Cohen
Geoffrey Fisher
Geoffrey Southern
Gerald Baudains
Guy de Faye
Ian Gorst
Jacqueline Hilton
James Perchard
James Reed
Jenny Pitman (Senator Ozouf)
John Germain
John Le Fondre
John Le Sueur Gallichan
Judith Martin
Juliette G Gallichan
Ken Vibert
Kenneth Le Brun
Kevin Lewis
Len Norman
Michael Jackson
Mike Vibert
Patrick J. Ryan
Paul Le Claire
Paul Routier
Peter Troy
Philip Ozouf (Connetable)
Philip Ozouf (Senator)
Richard Dupre
Robert Duhamel
Roy Le Herissier
Sarah Ferguson
Sean Power
Shona Pitman
Simon Crowcroft
Stuart Syvret
Terry Le Main
Terry Le Sueur
Thomas Le Quesne (States)
Tom Du Feu
Wendy Kinnard

Planning and Environment Department
Planning and Building Services Division

DELEGATION OF POWERS

Island Planning (Jersey) Law 1964, as amended (IPL)
Public Health (Control of Buildings)(Jersey) Law 1956, as amended (PHL)
R & O 8982 Building Bye-Laws (Jersey) 2004(BBLs)

Delegation Agreement

The **Minister for Planning and Environment** has delegated to the Assistant Minister all his powers under the above Laws, save the making of Orders, so that they may be exercised in his absence, and to the Planning Applications Panel and the Officers specified in (3.) below, the power to make decisions on his behalf under the following provisions:

Island Planning (Jersey) Law 1964, as amended;
Articles 6, 9, 22 and Orders made under Articles 13 and 23
Public Health (Control of Buildings)(Jersey) Law 1956, as amended;
Articles 5 and 7

Code of Practice

1. The **Minister for Planning and Environment** will make decisions on:-
 - any application under IPL Articles 6, 9, 22 and under any Order made under Articles 13 and 23, PHL Articles 5 and 7, and the BBLs, referred by the Director of Planning or the Planning Applications Panel, or called for by the Minister
 - requests for reconsideration of decisions made by the former Environment and Public Services Committee, the former planning Sub-Committee, the Planning Applications Panel or authorised officers of the Department to refuse permission or impose conditions. Where it is considered beneficial, the Minister may sit with the Assistant Minister who chairs the Application Panel and invite personal presentations by the applicant or objectors (provided always that the applicant has a right of reply to any third party representations)
 - whether to serve Notices under the IPL and PHL

- whether to modify or revoke an extant permission (Article 8; IPL)
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2. The Planning Applications Panel has the delegated authority of the Minister to make decisions under IPL Articles 6, 9 and 22, and any Order made under Articles 13 and 23 on:-

- all applications where written political representations have been made, either for or against the proposal
- all applications which have become contentious by virtue of the number or strength of representations made
- all applications which would involve a departure from the Island Plan or other approved planning policy but where, in its opinion, there are good grounds to consider approving the application
- the serving of enforcement notices
- other applications referred to it by the Director of Planning.

Provided, that where the Panel disagrees fundamentally with the Department's recommendation on an application, the matter will be deferred until the Panel's next meeting for consultation with the Minister.

3. The Director of Planning, the Assistant Directors, Principal Planners and Building Control Surveyors, *Senior Planners and Building Control Surveyors, *Planners and Building Control Surveyors, and *Enforcement Officers, have the authority of the Minister to make decisions under IPL Articles 6, 9 & 23, and any Order made under Articles 13 and 23, PHL Articles 5 & 7 and the BBLs:-

- on the form and content of applications (IPL Article 6.1, Bye-law 10)
- on whether it is necessary to make an application
- on small works applications**
- on other applications where that decision is in accordance with the Island Plan or other approved planning policy, or accords with an earlier decision of the former Environment and Public Services Committee, the former Planning Sub-Committee, the Minister for Planning and Environment or the Planning Applications Panel
- on applications where there have been representations from the general public, but where those representations have been accommodated by revisions to the application or by condition, are of a non-planning nature, or are not of sufficient weight to influence a decision on the application.
- on all Building Bye-law applications, including relaxations of bye-laws

- on all applications made under the Advertisement Regulations conforming to the Minister's policy (IPL Article13)
- on all applications made under IPL Article 22 (importation of caravans) and Article 23 (movable structures)
- on all development applications which follow a previous planning permission
- on requests to vary permissions, including conditions
- on the content of Notices served under the Island Planning (Jersey) Law 1964 as amended, and the Public Health (Control of Buildings) Law 1956 as amended
- on applications to fell, or undertake surgery to, a tree covered by a Tree Preservation Order (IPL Article19)

*Provided that the Director of Planning, in the case of these Officers, must be satisfied that any of the above decision-making responsibilities are within the competence of the individual officers concerned.

*(**Small Works applications are defined as applications for small scale building works or development of a non-contentious nature, which do not require public advertisement or consultation with interested parties.)*

There is also delegated authority from the Minister to make the following decisions:-

- to disallow requests for reconsideration of a decision made by the former Environment and Public Services Committee, the former Planning Sub-Committee, the Planning Applications Panel or the above mentioned officers, where there are no new factors which on planning grounds would cause a different decision to be reached. (The Director of Planning, the Assistant Director (Development Control) or the Assistant Director (Building Control) as appropriate)
- the making of grants for the repair of Registered Buildings. (The Director of Planning and the Principal Historic Buildings Adviser).

For the avoidance of doubt, a decision under the above delegation agreement includes the granting of permission, with or without conditions, and the refusal of permission.

The Minister will be informed of all application decisions made by the Planning Applications Panel, the Director of Planning or his staff.

To be reviewed by the Minister for Planning and Environment in 2006

Members' Code of Conduct for Development Control

This Code is similar to those adopted by Local Planning Authorities in England as a requirement of Section 51 of the Local Government Act 2000.

The applications process is a statutory decision-making process with a right of appeal to the Royal Court. The Code of Conduct is intended to ensure the objectivity and probity of the process by which decisions are made.

The Role of Members

1. In making decisions on applications, the Minister, or Members of the Planning Applications Panel will:

- act fairly and openly
- approach each application with an open mind
- carefully weigh up all the material planning considerations
- avoid undue contact with interested parties
- ensure that reasons for decisions are clearly stated

2. Members shall not give instructions to Officers nor shall they place pressure on Officers in order to secure a particular recommendation on an application.

3. A Member will not use his or her position as a Member improperly to confer or secure for himself or herself, or for any other person, an advantage or disadvantage.

Discussions with Applicants

Paragraphs 4 to 7 deal with the arrangements for meetings between the Minister, representatives of the Panel and applicants before submission of an application, and applicants or others after the submission of a planning application, in order for a two way exchange of ideas and information about an application to take place. Such discussions normally take place at officer level.

4. Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally only involve Officers, except where the Minister or Assistant Minister has agreed that a pre-application meeting shall include a Member.

5. It will be made clear at pre-application meetings that:

- only Officers' initial provisional views can be given, based on the provisions of the Island Plan and other adopted policy

- no decisions can be made which would bind or otherwise compromise the Minister, Panel or the Director of Planning and his staff if delegated to make the decision.

6. Where pre-application meetings involve a Members, a note of the discussion will be taken and will be made available for public inspection, if and when an application is submitted. At least one appropriate Planning Officer will be present at all such meetings.

7. Members will not take part in post-submission meetings with applicants or other parties, unless the matter has been agreed by the Minister or Assistant Minister. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will be present at all such meetings.

Lobbying

Paragraphs 8 and 9 deal with the situation where people interested in an application which has been submitted try to persuade Members to support or to oppose an application in advance of its determination.

8. It is quite common for applicants and others to wish to approach Members to discuss a proposed development before an application is determined. This could be by way of an approach to an individual Member, by telephone, or on a chance meeting, or by way of a request to see the Minister or all or some of the Members of the Panel. It is an essential part of the democratic process that members of the public should be able to make their views known to elected Members. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, Members will:

- do their best to avoid discussing with an applicant or any other person their thoughts about the merits of a planning application or proposed development
- not make it known in advance of the consideration of the application whether they support or oppose a proposal
- restrict their response to giving procedural advice, and make it clear that that is all they are prepared to do
- direct lobbyists or objectors to the case officer, and
- advise the CEO or Director of Planning as soon as possible of the existence of any substantial or abnormal lobbying activity.

9. Any Member of the Panel who wishes to express publicly a final view on an application prior to the meeting of the Panel at which a decision is to be taken will make a declaration to that effect, and will not participate or vote on that particular application, withdrawing from the meeting while the application is discussed. Public expression of a view would include, for example, making a statement of the Member's firm attitude to an application in the press, in any document to be made publicly available, to someone party to the application, including objectors, or in any situation where the view expressed might reasonably be expected to gain wider, public circulation.

Site Visits

10. All sites are visited by officers as part of the application process. A site visit by the Minister or Panel should only be necessary if the impact of the proposed development is difficult to visualise from the plans submitted, the written report and the officer presentation to the Panel. Site visits involve delay in determining the applications concerned and additional cost. They should not be undertaken unless really necessary.

11. A decision to inspect a site will usually be arrived at during the debate and consideration of the appropriate application at a Panel meeting.

12. If access to private land is necessary for a site visit by Members of the Panel, officers will secure the prior agreement of the landowner.

13. Where a site visit has been agreed by the Panel, all Members are encouraged to attend, accompanied by appropriate officers.

14. The purpose of the site visit is principally fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site and ask questions, through the Chairman, of the officers to seek clarification.

15. A written record will be kept of the site visit by the officers and will be reported as part of the Panel's papers when the application falls to be determined, if the formal minute has not been agreed by that time.

16. No discussion of the merits of the case will be permitted and all questions from Members will be put through the Chairman.

17. The visiting party will stay together as a group. The Chairman may invite oral presentations by applicants or objectors who might be present.

18. The Members of the Panel when on site visits should not make any comments that could create an impression if observed by an outside party that they had already formed a view on the merits of the application. No decision on the application should be made until the formal meeting of the Panel at which the application is to be considered, when Members will have before them all

necessary information to be able to make an informed decision including a record of the site visit.

19. If a Member finds it necessary to visit a site alone (perhaps because it was not possible for him or her to attend a Panel visit), the Member should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the application will be taken until it has been discussed at the Panel.

Material Submitted to the Panel

20. A Member receiving material from or on behalf of an applicant or third party in connection with a current application should establish from the Planning Department whether the material has been received by them. If it has not, the Member should make it available as soon as possible to the Department.

21. Relevant documents in connection with an application should all be dealt with in the officer's report to the Panel. Any additional information received after the preparation of that report up to 1700 on the day before the Panel meeting will also be brought to the attention of the Panel. Papers received after that time will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications.

Declaration of Interests at the Panel meeting

22. Members should declare any personal, family, property or financial interests in applications coming before the Panel at the start of the meeting. If they are uncertain what constitutes such an interest they can contact the CEO or Director of Planning, or raise it with the Panel before discussion on that item commences. If it becomes clear at a later stage during the meeting that a Member has an interest in an item under discussion, then the Member should declare that interest at the first opportunity.

23. When declaring an interest, a Member should specify the nature of the interest, and whether it is personal or prejudicial. The minutes of the meeting should record what type of declaration was made by any Member.

24. If a Member declares a prejudicial interest, he or she should withdraw from the meeting while the matter concerned is under discussion. Withdrawal from the meeting involves physically leaving the meeting room.

Voting at Panel meetings

25. A Member of the Panel should only vote on an application before the Panel if he or she has been present for the whole of the presentation of and discussion on the application.

Decisions Contrary to Officer Recommendations or to Development Plan Policies

26. From time to time, there will be occasions when the Panel disagree with the professional advice on an application given by an Officer. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the Panel, along with the reasons for refusing an application recommended for approval or the conditions to be imposed on any approval in a case recommended by officers for refusal. The same provisions apply to decisions taken contrary to Island Plan policies.

Applications in which a Member has an interest

27. All applications which are submitted by or on behalf of a Member in his or her private capacity or by a close relative or the partner of a Member will be drawn to the attention of the Chief Executive Officer or Director of Planning by the Member concerned in writing, and will be reported to the Panel for a decision, rather than being dealt with in accordance with the scheme of delegation to Officers.

28. The Member concerned will take no part in the determination of the application.

Training

29. All Members of the Panel will be required to receive training in planning procedures, normally within three months of appointment to the Panel. This training shall cover subjects determined from time to time by Officers in consultation with Members. Members will be given regular updates on this training.

Whistle-blowing

30. A Member must, if he or she becomes aware of any conduct by another Member which he or she reasonably believes involves a failure to comply with this Code, make a written allegation to that effect to the Chief Executive Officer as soon as it is practicable for him or her to do so.

Reporting decisions

31. Application decisions will be communicated first to applicants and then to the media by the Department. Factual comments on the decisions can be made by the Director of Planning or the Assistant Director for Development Control. Any other public statements about Panel decisions shall be made only by the Minister or Assistant Minister.

Agreed by the Minister and the Planning Applications Panel on