

STATES OF JERSEY



DRAFT PLANNING AND BUILDING (AMENDMENT No. 4) (JERSEY) LAW 200 (P.157/2006): SECOND AMENDMENT

**Lodged au Greffe on 12th January 2007
by the Minister for Planning and Environment**

STATES GREFFE

DRAFT PLANNING AND BUILDING (AMENDMENT No. 4) (JERSEY) LAW 200 (P.157/2006): SECOND AMENDMENT

PAGE 10, ARTICLE 2 –

In proposed new Article 9, after paragraph (3), insert the following paragraph–

“(4) Where –

- (a) paragraph (3)(b) applies in respect of a proposed application; and
- (b) the owner of the land refuses or is unable, for any reason, to certify his or her approval of the application being made,

the Minister may nevertheless accept the application for consideration if the Minister is satisfied that to do so would be in the public interest.”

and renumber the subsequent paragraphs accordingly.

MINISTER FOR PLANNING AND ENVIRONMENT

REPORT

I am prepared to accept Senator Norman's Amendment to the proposition subject to a minor change which enables the Minister for Planning and Environment to waive the requirement for the landowner's signature in exceptional circumstances.

As drafted, the Amendment makes the signature a mandatory requirement on all applications, and the Minister has no discretion to waive the requirement in any circumstances.

The owner's signature was formerly a Committee and Ministerial, rather than a legal, requirement. Previous experience shows us that it is necessary from time to time either to waive the requirement totally or to allow someone to sign on the owner's behalf.

Two instances come to mind where it would be desirable to waive the requirement, and we have had examples of both in the past –

- Where the States has decided to acquire a site by compulsory purchase against the owner's wishes and the owner refuses to sign (for example, this occurred in the acquisition of land for Haute Vallée School);
- Where the owner is abroad, incapacitated or otherwise unable to sign, but there is someone else who could sign on the owner's behalf.

Senator Norman has agreed that this proposal is both reasonable and sensible, and thus, if the States agrees this Amendment, I shall accept his (amended) Amendment.