

STATES OF JERSEY



DRAFT PLANNING AND BUILDING (AMENDMENT No. 6) (JERSEY) LAW 201- (P.94/2014): AMENDMENT

**Lodged au Greffe on 13th June 2014
by the Minister for Planning and Environment**

STATES GREFFE

DRAFT PLANNING AND BUILDING (AMENDMENT No. 6) (JERSEY)
LAW 201- (P.94/2014): AMENDMENT

PAGE 21, ARTICLE 7 –

In the substituted Article 108, in sub-paragraph (2)(e) for the words “under Article 27” substitute the words “under Article 10(2)(a) or Article 27”.

MINISTER FOR PLANNING AND ENVIRONMENT

REPORT

On 11th September 2013, the States Assembly approved P.87/2013: “Planning Appeals: revised system”. The Proposition set out a model for the consideration of appeals by independent inspectors, who would then report to the Minister for Planning and Environment to make the final decision.

The Proposition indicated that all decisions or actions that could currently be appealed through the Royal Court would be able to be appealed under the new process

Article 27 of the Planning and Building (Jersey) Law 2002 allows for the revocation or modification of a planning permission prior to the development being completed. This Article can be used, for example, where a developer agrees to give up an existing planning permission in favour of an alternative approval.

Article 10 of the Law relates to situations where false or misleading information has been submitted in connection with an application for planning permission which the Article indicates is an offence. Article 10(2)(a) provides powers to revoke or modify a permission – normally before any development has started – and Article 10(2)(b) to serve notice on a developer to carry out works on a development where works had commenced, or even been completed, to address any harm caused by the grant of the permission which had relied on false or misleading information.

The Law currently allows for appeals against either revocation or modification actions (Article 10(2)(a)) or a notice requiring works to undertake works to remedy the situation (Article 10(2)(b)). As drafted, P.94/2014, Draft Planning and Building (Amendment No. 6) (Jersey) Law 201-, allows for an appeal against a notice served under Article 10(2)(b), but not for an appeal against revocation or modification under Article 10(2)(a).

Given that all decisions and actions that are currently appealable under the existing arrangements are proposed to be appealable under the revised arrangements, this amendment is being proposed.

Financial and manpower implications

There are no financial or manpower implications arising from this amendment beyond those already identified in P.94/2014.