

# **STATES OF JERSEY**



## **PLANNING APPLICATIONS: REQUIREMENT TO PUBLICIZE (P.175/2004) – COMMENTS**

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**Presented to the States on 23rd November 2004  
by the Environment and Public Services Committee**

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**STATES GREFFE**

## COMMENTS

1. Overview – At the outset of this report the Environment and Public Services Committee wishes to make it clear that it totally rejects the unsubstantiated suggestions in Senator Le Claire’s report that it is unduly influenced by applicants or that it does not give adequate consideration to the impact of development on members of the public. Quite the reverse is true and Members will be aware that many proposals are amended to reflect the both the individual and the Committee’s concerns.

Regrettably, the current Island Planning Law makes no requirement of the Environment and Public Services Committee to publicize planning applications – a situation which is addressed in the new legislation waiting to be brought into force. However, the Committee has, over the years, developed a system which helps to involve the public in the planning process. The Committee is also open to initiatives to expand public participation in the planning process, demonstrated by the fact that it now publicizes applications on the Planning and Environment Department Website. The website offers a new service which allows members of the public to scan through current and previous lists of published applications, with the facility, in particular, to search for applications in terms of distance (radius) from a specified postcode.

2. Current Procedure – At present, publication lists are produced twice weekly and are sent to States Members, the media, the Parish Halls and most States Departments. These contain a list of new planning applications which Planning and Building Services consider should be advertised. Non-contentious applications (known as small works) are not included on the list, although the Department may publicize these later if it transpires that there is an issue for neighbours.
3. The JEP kindly publishes these lists as editorial matter (the Committee is not charged for this service) on an informal arrangement on a twice weekly basis. Members of the public are asked to make any representation on an application within 7 days. Letters which are received are acknowledged and then copied to the applicant for information. The author is then kept informed of the decision by letter.
4. Senator Le Claire’s Proposition – The Proposition is in 2 parts; first, that the period of time for representations is extended from 7 to 28 days and second, that a copy of each planning application is sent to the relevant Parish Hall and made available for public inspection for that period. These 2 points are taken separately below.
5. Extending the 7-day period – The Environment and Public Services Committee already receives many letters of objection (and support) in relation to planning applications outside the 7-day period. In fact, the Committee will consider any letter received on an application right up to the point that the decision is taken. In practical terms, therefore, the Committee already exceeds the requirements of the Proposition – the current effective period for making representations is 21 days, and the Committee is willing to commit to this period. However, in order to maintain its commitments on service delivery, the Committee must be mindful of the need for prompt planning decisions and ensure that the planning process is not unnecessarily delayed.
6. Having reviewed its data over the last 12 months, the Committee notes that 40% of planning applications had been determined by the end of the fourth week (i.e. 28-day period). Acceptance of Senator Le Claire’s Proposition would delay the decision on these applications until the expiry of that period. This would not be regarded as efficient governance as most of these are the non-contentious applications which are not currently advertised. The Committee is mindful that these are fee-paying customers who have a right to a quality service. The Committee will, therefore, oppose the Senator’s Proposition on the grounds that the 28-day period is too long and that it should only apply to those applications which are currently publicized (i.e. small works applications would remain unpublicized unless contentious).
7. In addition, the Senator’s Proposition would result in significant financial implications for the Committee. The goodwill currently offered by the JEP to print the lists free of charge is unlikely to be extended to reprinting these lists every week for the suggested 28-day period. The Committee would be obliged to pay for this service and has no funds for this exercise.

8. Planning Applications available at the Parish Hall – The Committee has no objection to the principle of sending a copy of all publicized planning applications to the relevant Parish Hall. Clearly, there will be logistical implications for the Parishes themselves – they will need to have an area to store the applications and must also be able to make them available for viewing by visiting members of the public. The Committee is keen to support any initiative which enables public participation in the planning process but would not wish this to be imposed without the agreement of the Comité des Connétables. The Committee will consult with the Connétables at their next meeting.
9. Financial and manpower implications – The increase in the period available for the submission of representations on planning applications from 7 to 28 days and the repeated publication of applications in the JEP would have significant financial or manpower implications for the Committee. The decision to send a copy of each publicized planning application to the relevant Parish Hall would have a minor effect in terms of the time taken to amalgamate the documents and to post them, but it is anticipated that this can be absorbed within existing resources.