



Jersey

## **PLANNING AND BUILDING (GENERAL DEVELOPMENT) (AMENDMENT No. 2) (JERSEY) ORDER 201-**

### **Explanatory Note**

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### **CONSULTATION DRAFT**

This Order amends the Planning and Building (General Development) (Jersey) Order 2011 (the “principal Order” as defined in *Article 1*).

*Article 2* amends Article 1 of the principal Order. New definitions are inserted for words used in the principal Order including “apron”, “external area”, “solar panels” and “painting”. For ease of reference, all definitions (including those previously located elsewhere in the principal Order) are now located within Article 1 of the principal Order. The definition “ground level” is re-defined to include ‘land adjacent and within 1 metre’. This will have an effect on Part 1 Class B.2(b) and Part 2 Class B.2(b) which restrict the height permissible for gates, walls, fences and other means of enclosure to 2 metres above ground level on ‘either side of it’. Additionally, the definition “road” is deleted and instead the definition “road” in the Planning and Building (Jersey) Law 2002 is applicable.

*Article 3* amends Article 2(1) of the principal Order by removing the words “described as permitted development” to clarify that planning permission is granted by the Minister for the classes of development in the Schedule and that any such permission is subject to any relevant exceptions, limitations or conditions specified in Schedule 1.

*Article 4* amends Article 3 of the principal Order which grants planning permission for a use within a specified use Class set out in Schedule 2 of the Order. The amendment substitutes a new paragraph for Article 3(3) the effect of which is to specify that a use Class that is not specified in Schedule 2 requires planning permission.

*Article 5* amends Schedule 1 to the principal Order which sets out the classes of permitted development, the work that is not permitted under each class and the conditions attached to each class.

#### Part 1 of Schedule 1 - Work carried out within the curtilage of a dwelling-house

The sub-heading of Part 1 of Schedule 1 is specified as ‘Work carried out within the curtilage of a dwelling-house’. For clarity, the subheading heading is amended to include works to a dwelling-house.

In Part 1 of Schedule 1, permitted development in relation to porches to principal elevations is introduced in Class A. Porches are restricted to 3 square metres in floor area, 2.75 metres in height from ground level and must not be within 2 metres of a road. Work is not permitted if the dwelling-house and its curtilage is or forms part of a protected site, if the work involves the formation or widening of a means of access to a road, or if the work creates an obstruction to the view of a person using a road at or near a bend, corner, junction or intersection so as to be likely to cause danger to such a person. The floor area of the porch is not included in the total aggregated area of 30 square metres under paragraph A.2(g).

Paragraph A.2(f) deals with the permissible heights of structures, extensions and garages within the curtilage of a dwelling-house. Paragraph A.2(f)(i) is amended to specify the highest point of a sloping roof ('any part of the roof would exceed') rather than the roof height so that the lack of clarity in cases where the roof is mono-pitched and not dual-pitched is removed. The heights of 3.5 metres and 2.5 metres remain unchanged.

Paragraph A.2(f)(ii) which deals with heights of flat roof-structures is amended to increase the permissible height of flat-roof structures from 2.75 metres to 3 metres above ground level.

Paragraph A.2(f)(iii) is reworded to clarify that within 1 metre of a boundary, the permissible height of any structure is 2 metres above ground level.

Paragraph A.1 permits structures required for a purpose incidental to the enjoyment of the dwelling-house. Class A.2(g) and Class A.4 are amended so that a swimming pool or any other pond or pool is a permitted structure.

In Class C, the formation of surfaces within the curtilage of a dwelling-house is restricted in paragraph C.2 (b) to 40 centimetres in height above the existing ground level. This does not take into account sloping land or works where there may need to be some excavation. Class C.2(b) and is reworded to include 40 centimetres in height 'above or below ground level'.

In Class E, paragraph E.4 restricts the lowest part of the frame of any skylight to 1.7 metres above finished floor level. Paragraph E.4 is amended so that the restriction applies within 10 metres of a boundary.

In paragraphs F.2 and F.3 of Class F, the restriction on the height of vents or flues to 1 metre above the roof plane and not on a principal elevation is increased to 1.5 metres in height with no restriction on a principal elevation to more closely align with Building Bye-Laws. An additional restriction is imposed that flues are not permitted within 2.3 metres of a boundary. Class F is also amended to refer to a chimney as well as a flue and a vent.

#### Part 2 of Schedule 1 - Work carried out within the curtilage of a building containing one or more flats

The sub-heading of Part 2 of Schedule 1 is specified as 'Work carried out within the curtilage of a building containing one or more flats'. For clarity, the subheading heading is amended to include works to a building.

In Class A, paragraph A.4 restricts the lowest part of the frame of any skylight to 1.7 metres above finished floor level. Paragraph A.4 is amended so that the restriction applies within 10 metres of a boundary.

In Class C, the formation of surfaces within the curtilage of a building containing a flat is restricted in paragraph C.2 (b) to 40 centimetres in height above the existing

ground level. This does not take into account sloping land or works where there may need to be some excavation. Class C.2(b) is reworded to include 40 centimetres in height 'above *or below* ground level' by inserting the words 'or below'.

In paragraphs E.2 and E.3 of Class E, the restriction on the height of vents or flues to 1 metre above the roof plane and not on a principal elevation is increased up to 1.5 metres in height with no restriction on a principal elevation to more closely align with Building Bye-Laws. An additional restriction is imposed that flues are not permitted within 2.3 metres of a boundary. Class E is also amended to refer to a chimney as well as a flue and a vent.

### Part 3 of Schedule 1 - Repairs, maintenance and minor works to land and buildings

In accordance with Article 5 of the Law, internal alterations that amount to building work are deemed development. In the principal Order, there is no permitted development for internal building work that does not amount to an external change. A new Class AA is therefore added to Part 3 of Schedule 1 which permits internal alterations that do not amount to an external change or create new floor space, material changes of use including subdivision of residential and non-residential premises, or internal building works as defined by the Law. This excludes a listed building or place.

In accordance with Article 5 of the Law, minor engineering works are deemed to constitute development. In the principal Order the only permitted development that exists for below ground engineering works is for public utilities. A new Class AB is therefore added to Part 3 of Schedule 1 which permits minor engineering works such as bore holes and drains on private land for private purposes. The requirement for an application for foul sewer systems, such as packaged treatment plants, septic tanks or tight tanks is retained. This excludes a listed building or place, a potential listed building or place, an area of archaeological potential or a conservation area.

Class D (which permits closed circuit television cameras on private ways) is amended to insert a condition that the field of vision of a camera should, so far as practicable, not extend beyond the boundaries of the land where it is sited or any adjoining land to which the public have access. A condition that intrusion and inconvenience to neighbours should be limited, so far as is practicable, without compromising the camera's effectiveness for security purposes is also inserted.

In Class E (which permits agricultural access) paragraphs E.1 and E.5 is amended to provide for the access to agricultural land for '*agricultural purposes only*'. In paragraph E.6 the requirement for granite is amended to include any natural material and the height restriction is reduced to a maximum of 90 centimetres above. A new restriction is imposed at paragraph E.7 to limit the agricultural access to a maximum of 5 metres in width.

Class F (which permits the installation and replacement of windows and doors and the re-cladding of roofs) is amended to permit the blocking up of windows and doors at all levels; the reduction of window openings (larger opening to smaller openings) above ground floor level; the replacement of dormer windows and skylights of the same size or smaller; the reduction or enlarging of windows or doors on the ground floor and the rendering of areas of a building that are already rendered. New or replacement windows or doors must not encroach over roads or private ways. Class F is also amended to permit the replacement of roof coverings in any material, including a material that gives a height increase of up to 15 centimetres and the alteration of rain water goods and verges to accommodate the height increase rather than re-cladding of

a roof. The replacement of roof coverings including a height increase is not permitted by Class F if it alters the shape of the roof.

Class G (which permits the erection of a structure agricultural land to shelter livestock) is amended to clarify that the restriction on the area of the structure applies to the external area of the structure.

Class H (which allows for the creation of an equestrian sand school for private use on agricultural land) is deleted.

Class I (which permits the erection of a fence on agricultural land) is amended to include an option of wire tape of mesh fencing rather than merely timber post and rail.

Class K (which permits the carrying of work for the maintenance or repair of a building) is amended to remove the reference to the replacement of a window or door.

#### Part 4 of schedule 1 - The installation of equipment for the generation of electricity from renewable sources or for the efficient use of energy

Class A (which allows for the installation of solar panels) is amended to clarify that the permission applies to a flat roof as well as a sloping roof plane and that the permission is not restricted to water-heating solar panels and to remove confusion over the difference between photovoltaic and water-heating solar panels. Solar panels are defined in Article 1 to mean microgeneration solar PV panels or solar thermal panels.

Class A is also amended to relax the restrictions for solar panels and permit a projection of up to 20 centimetres, rather than the current 10 centimetres and to permit a total aggregated area no greater than 90% of the total area of the roof plane, instead of 50%. In addition, the aggregate area of ground mounted panels is restricted to no more than 9 square metres.

Class C (which permits the erection of a single wind-turbine for the generation of electricity on or within the curtilage of any building) is amended to clarify that a wind turbine and its structure that is not attached to a listed buildings and place, but is within the curtilage of a listed building or place, is not permitted.

#### Part 6 of Schedule 1 - Development by providers of public services and utilities

Class C (which permits certain development within the area of a harbour administered by the Harbour Master) is amended to expand this permitted development to include ramps and fixing for the pontoons and moorings and security fencing. Class C is also amended so that the repair and maintenance of ramps, fuel jetty and associated equipment, navigational aids, handrails, ladders, drying pads and operational equipment is permitted development.

Paragraph D.1 (which permits certain development within the boundaries of the airport is expanded to include the repair and maintenance of operational equipment and navigational aids, with the exclusion of reed beds.

The term “apron” used in Class C is defined in Article 1 to include the taxiway, perimeter, track and aircraft manoeuvring areas but not the runway. The effect is that an application for planning permission is required for any relocation or extension of the runway, but all other aprons such as taxiway, perimeter track, aircraft manoeuvring areas, are permitted development.

A new map which defines the extent of the area within the airport boundary to which permitted development applies is inserted in Part 2 of the annexure to Schedule 1.

#### Schedule 1 Part 7 - Demolition

Class A.1(a) is deleted so that only walls, fences, gates or boundary enclosures the construction of which would be permitted development, are permitted for demolition.

Paragraph A.1(h) (which permits the demolition of any structure the construction of which would be permitted development) is amended to clarify that the permission applies to buildings as well as structures, given the reference to both elsewhere in Class A.

A new paragraph A.5 is inserted to provide that the infilling of the land as a result of the removal of a swimming pool structure is permitted development subject to a condition that the infill is clean and inert material.

Paragraph A.2(b) (which restricts the removal of wall where the work would create an access to premises) is amended to limit this restriction to the creation of an access to a private road. This brings Part 7 in line with Part 1 and 2 (which permit the removal of roadside walls on private ways).

Part 7 is also amended so that the demolition of commercial glasshouses as permitted development is no longer permitted development.

#### Part 8 of Schedule 1 - Changes of use

Part 8 contains the changes of uses which are permitted development. The Classes correspond with the list of classes in Schedule 2.

Class B is replaced so that development is permitted if it consists of a change of use from –

- (a) Class A – shop - to Class K medical and welfare;
- (b) Class B – food and drink to Class A – shop;
- (c) Class C – office to Class E – warehouse;
- (d) Class C – office to Class G – social;
- (e) Class F – tourism accommodation to Class J – residential institution;
- (f) Class H – leisure to Class G – social;
- (g) Class H – leisure to Class I –entertainment;
- (h) Class I – entertainment to Class G – social;
- (i) Class I – entertainment to Class H – leisure;
- (j) Class J – residential institution to Class L –special institution;
- (k) Class K medical and welfare to Class A – shop;
- (l) Class L – special institution to Class J – residential institution;
- (m) Class M – Evening economy and drinking establishments – to Class B – food and drink.

#### Schedule 2 - Use Classes

Schedule 2 lists the use classes for which planning permission is granted by the Minister where a building or other land is used for a purpose specified in a use Class set out in that Schedule to use the building or land for another purpose specified in that use class.

Class A (Shop) is amended to include in that use class the sale of hot drinks or cold drinks, cold food or warmed pre-prepared food.

Class B (Food and Drink) is amended to provide only for use for the sale of food or drink for consumption on premises as a restaurant a cafeteria or for al fresco dining.

Class E (Storage) is amended to clarify that the class is for use as a wholesale (but not retail) warehouse or repository for storage including dry storage and cold storage. Class E does not include use as a store for agricultural purposes.

Class F (Tourism accommodation) is amended to clarify that the class is for use as tourism accommodation and to include a bed and breakfast, self-catering accommodation and serviced accommodation apartment in that class.

Class H (Leisure) is amended to include a rollerblading rink and to clarify that a gymnasium in that class includes a building or part of a building used for sports, dancing, martial arts or personal fitness training.

Class J (Residential institutions) is amended to include a women's refuge and a men's hostel.

Class K (Medical and welfare) is amended to include use as a building or part of a building for providing alternative health services including acupuncture, podiatry and massage.

A new Class M (Evening economy and drinking establishment) is added to provide for use of a building as a bar including a wine bar, an entertainment venue, a night club and a public house. That class does not include use as a take-away.

A new Class N (Industrial) to provide for use of a building for industrial purposes is added.





Jersey

**PLANNING AND BUILDING (GENERAL  
DEVELOPMENT) (AMENDMENT No. 2) (JERSEY)  
ORDER 201-**

**Arrangement**

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Jersey

## **PLANNING AND BUILDING (GENERAL DEVELOPMENT) (AMENDMENT No. 2) (JERSEY) ORDER 201-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE MINISTER FOR PLANING AND DEVELOPMENT**, in pursuance of Articles 8(3)(a) and 124 of the Planning and Building (Jersey) Law 2002, orders as follows –

### **1 Interpretation**

In this order “principal Order” means the Planning and Building (General Development) (Jersey) Order 2011.

### **2 Amendment of Article 1**

In Article 1 of the principal Order –

- (a) the following definitions shall be inserted in the appropriate alphabetical order –

“‘apron’ includes the taxiway, perimeter track and aircraft manoeuvring area but does not include the runway;

‘hire vehicle’ has the same meaning as in Article 1 of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993;

‘industrial land’ means land used to carry out an industrial process;

‘industrial process’ means any process that is necessary or incidental –

- (a) to make an article or part of an article;

- (b) to alter, repair, ornament, finish, clean, wash, pack or can, or to adapt for sale or to demolish an article;

‘private way’ means a road or footpath that is not repairable at the expense of the States or any parish;

‘public authority’ includes a statutory corporation established for a public purpose, a Parish and any Minister;

‘painting’, means applying colour;

‘solar panel’ means a microgeneration solar PV panel or a solar thermal panel;”;

- (b) for the definition “ground level” there shall be substituted the following definition –

“ ‘ground level’, in respect of a building –

- (a) means the level of the surface of the ground immediately adjacent to and within 1 metre of the building; or
- (b) if the level of the surface of the ground on which it is situated or is to be situated is not uniform, means the level of the lowest part of the surface of the ground adjacent to and within 1 metre of the building;”;

- (c) the definition “road” shall be deleted.

### 3 Amendment of Article 2

In Article 2 of the principal Order –

- (a) for the heading there shall be substituted the following heading –

**“Planning permission for development”;**

- (b) in paragraph (1), the words “described as permitted development” shall be deleted.

### 4 Amendment of Article 3

For Article 3(3) of the principal Order there shall be substituted the following paragraph –

“(3) A use which is not specified in a use class set out in Schedule 2 shall require planning permission.”.

### 5 Amendment of Schedule 1

- (1) In Part 1 of Schedule 1 to the principal Order –

- (a) in the sub-heading for the words “within the curtilage of” there shall be substituted the words “TO, AND WITHIN THE CURTILAGE OF,”;
- (b) in the entry for a permitted development of Class A –
- (i) in the second column of the item “**Permitted development**”, in paragraph A.1(b), after the word “conservatory” there shall be inserted the words “or porch”,
- (ii) in the second column of the item “Work not permitted”, in paragraph A.2 –
- (A) in sub-paragraph (a) after the word “flagpole” there shall be inserted the words “or porch”,

- (B) in sub-paragraphs (a), (c) and (d) the word “conservatory,” shall be deleted,
- (C) for sub-paragraph (f) there shall be substituted the following sub-paragraph –
  - “(f) with the exception of the erection of a flagpole or porch, the structure, extension or garage exceeds the maximum height –
    - (i) of 3.5 metres above ground level, measured at any part of the roof, or of 2.5 metres above ground level, measured at the lower edge of the roof plane, if the roof is sloping,
    - (ii) of 3 metres above ground level if the roof is flat, or
    - (iii) of 2 metres above ground level if any part of the structure, extension or garage is within 1 metre of the boundary of an adjoining property;”,
  - (D) after sub-paragraph (f), there shall be inserted the following sub-paragraph –
    - “(fa) in the case of a porch, the external area of the porch exceeds 3 square metre in floor area, the height of the porch from ground level exceeds 2.75 metre or the porch is erected within two metres of a road;”,
  - (E) in sub-paragraph (g), after the words “swimming pool” there shall be inserted the words “or other pool or a porch”,
  - (iii) in the second column of the item “Conditions”, in paragraph A.4, after the words “swimming pool” there shall be inserted the word “or other pool”;
- (c) in the entry for a permitted development of Class C, in the second column of the item “Work not permitted”, in paragraph C.2(b), after the words “height above” there shall be inserted the words “or below”;
- (d) in the entry for a permitted development of Class E, in the second column of the item “Conditions” –
  - (i) in paragraph E.4 after the word “skylight” there shall be inserted the words “installed 10 metres or less from a boundary”,
  - (ii) in paragraph E.9 the words “photovoltaic or water-heating” shall be deleted;
- (e) in the entry for a permitted development of Class F –
  - (i) in the second column of the item “**Permitted development**” in paragraph F.1, after the word “flues” there shall be inserted the word “, chimneys”, *and*
  - (ii) in the second column of the item “Work not permitted”, in paragraph F.2 the words “or if the works are to a principal elevation” shall be deleted,
  - (iii) in the second column of the item “Conditions” –

- (A) for paragraph F.3 there shall be substituted the following paragraph –

“F.3 A vent, flue or chimney installed within a roof must not protrude more than 1.5 metres above the plane of the roof in which it is set.”,

- (B) after sub-paragraph F.4, there shall be inserted the following paragraph –

“F.5 A flue must not be installed within 2.3 metres of a boundary.”.

- (2) In Part 2 of Schedule 1 to the principal Order –

- (a) in the sub-heading, after the word “out” there shall be inserted the words “to and”;
- (b) in the entry for a permitted development of Class A, in the second column of the item “Conditions” –
- (i) in paragraph A.4, after the word “skylight” there shall be inserted the words “installed 10 metres or less from a boundary”,
- (ii) in paragraph A.9 the words “photovoltaic or water-heating” shall be deleted;
- (c) in the entry for a permitted development of Class C in the second column of the item “Work not permitted”, in paragraph C.2(b), after the word “above” there shall be inserted the words “or below”;
- (d) in the entry for a permitted development of Class E –
- (i) in the second column of the item “**Permitted development**”, in paragraph E.1, after the word “flues” there shall be inserted the words “, chimneys”,
- (ii) in the second column of the item “Work not permitted”, in paragraph E.2, the words “or if the works are to a principal elevation” shall be deleted,
- (iii) in the second column of the item “Conditions” –

- (A) for paragraph E.3, there shall be substituted the following paragraph –

“F.3 A vent, flue or chimney installed within a roof must not protrude more than 1.5 metres above the plane of the roof in which it is set.”,

- (B) after sub-paragraph E.4, there shall be inserted the following paragraph –

“E.5 A flue must not be installed within 2.3 metres of a boundary.”.

- (3) In Part 3 of Schedule 1 to the principal Order –

- (a) after the entry for a permitted development of Class A there shall be inserted the following entries –

#### CLASS AA

##### Permitted development AA.1 Internal alterations or building operations that

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<b>do not amount to an external change or create new floor space, or material changes of use.</b>		
Work not permitted	AA.2	Work is not permitted by Class AA if the building is or forms part of a LBP.

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**CLASS AB**

<b>Permitted development</b>	<b>AB.1</b>	<b>Minor engineering operations including bore holes and drains.</b>
Work not permitted	AB.2	Work is not permitted by Class AB if – <ul style="list-style-type: none"> <li>(a) the work is for foul sewer systems, including packaged treatment plants, septic tanks or tight tanks;</li> <li>(b) the land is or forms part of a LBP or pLBP, or is in an AAP or CA.</li> </ul>

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- (b) in the entry for a permitted development of Class D –
  - (i) after the item “Work not permitted” there shall be inserted the following item –

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“Conditions	D.2A	The field of vision of a closed circuit camera must so far as is practicable not exceed beyond the boundary of any adjoining land to which the public has access.
	D.2B	Intrusion or inconvenience to neighbours must be limited as far as is practicable without compromising the camera’s effectiveness for security purposes.”,

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- (ii) the item “Interpretation of Class D” shall be deleted;
- (c) in the entry for a permitted development of Class E –
  - (i) in the second column of the item “**Permitted development**”, in paragraph E.1, after the words “agricultural land” there shall be inserted the words “for agricultural purposes only”,
  - (ii) in the second column of the item “Conditions” –
    - (A) in paragraph E.5, the words “or mainly” shall be deleted,
    - (B) for paragraph E.6(a), there shall be substituted the following sub-paragraph –
 

“(a) a gatepost made of any natural material of not more than 90 centimetres above ground level in height, erected on each side of the access;”,

- (C) after paragraph E.6 there shall be inserted the following paragraph –
- “E.7 Any access must not exceed 5 metres in width.”;
- (d) in the entry for a permitted development of Class F –
- (i) in the second column of the item “**Permitted development**” –
- (A) for paragraph F.1(d) there shall be substituted the following sub-paragraph –
- “(d) the replacement of roof coverings including a height increase of up to 15 centimetres and the alteration of rain water goods and verges to accommodate the height increase.”;
- (B) in paragraph F.1(g), after the word “window” there shall be inserted the words “or door”;
- (C) after paragraph F.1(g) there shall be inserted the following sub-paragraphs –
- “(h) the reduction of window openings above the ground floor;
- (i) the replacement of dormer windows and skylights;
- (j) the reduction or enlarging of windows or doors on the ground floor;
- (k) the rendering of areas of a building that are already rendered.”.
- (ii) in the second column of the item “Work not permitted” –
- (A) in paragraph F.2, the words “, or except where the work is the re-cladding of a roof, the work is to a principal elevation, including a shop front” shall be deleted,
- (B) after paragraph F.2 there shall be inserted the following paragraph –
- “F.2A The replacement of roof coverings including a height increase is not permitted by Class F if it alters the shape of the roof.”;
- (iii) in the second column of the item “Conditions” –
- (A) For paragraph F.3 there shall be substituted the following paragraph –
- “F.3 The replacement of the roof covering of an existing sloping roof must be in natural slate or clay tiles, or in exactly the same type of material as the material it is replacing.”;
- (B) after paragraph F.3 there shall be inserted the following paragraph –
- “F.3A The replacement of roof coverings of a flat roof may be in any material.”;
- (C) in paragraph F.9 the words “photovoltaic or water-heating” shall be deleted,
- (D) after paragraph F.10, there shall be inserted the following paragraph –

- “F.11 New or replacement windows or doors must not encroach over roads or private ways.”;
  - (e) in the entry for a permitted development of Class G, in the second column of the item “Conditions”, in paragraph G.3 –
    - (i) for the words “The area” there shall be substituted the words “The external area”,
    - (ii) for the words “aggregate area” there shall be inserted the words “aggregate external area”;
  - (f) the entry for a permitted development of Class H shall be deleted;
  - (g) in the entry for a permitted development of Class I, in the second column of the item “Conditions”, for paragraph I.3 there shall be substituted the following paragraph –
    - “1.3 The fence (including any gate within it) must be of timber post and rail with or without netting, wire, tape or mesh.”;
  - (h) the entry for a permitted development of Class J shall be deleted;
  - (i) in the entry for a permitted development of Class K, in the second column of the item “**Permitted development**”, in paragraph K.I the words “, including the replacement of a window or door” shall be deleted.
- (4) In Part 4 of Schedule 1 to the principal Order –
  - (a) in the entry for a permitted development of Class A –
    - (i) in the second column of the item “**Permitted development**”, in paragraph A.1, the words “photovoltaic or water-heating” shall be deleted and after the word “plane” there shall be inserted the words “or flat roof”,
    - (ii) in the second column of the item “Work not permitted”, in paragraph A.2(b) –
      - (A) for the words “photovoltaic panel” there shall be substituted the word “solar panel or similar device”,
      - (B) for the words “set out in the annexure” there shall be substituted the words “set out in Part 1 of the annexure”,
    - (iii) in the second column of the item “Conditions” –
      - (A) for paragraph A.3 there shall be substituted the following paragraph –
        - “A.3 Any solar panel or similar device attached to a sloping roof plane must project no more than 20 centimetres above the roof plane.”;
      - (B) in paragraph A.4, for the word “panels” there shall be inserted the words “solar panels or similar devices”,
      - (C) in paragraph A.5, the words “photovoltaic or water-heating” shall be deleted and for the word “50%” there shall be substituted the word “90%”,



(D) after paragraph A.5 there shall be inserted the following paragraph –

“A.6 The total aggregate external area of ground mounted solar panels or similar devices must not exceed 9 square metres.”;

(b) in the entry for a permitted development of Class C in the second column of the item “Work not permitted”, in paragraph C.2(e) for the words “is not attached to a building, the structure supporting the turbine” there shall be substituted the words “is within the curtilage of a building but is not attached to the building, the building and its curtilage”.

(5) In Part 5 of Schedule 1 to the principal Order, in the entry for a permitted development of Class A, the item “Interpretation of Class A” shall be deleted.

(6) In Part 6 of Schedule 1 to the principal Order –

(a) in the entry for a permitted development of Class A, the item “Interpretation of Class A” shall be deleted;

(b) in the entry for a permitted development of Class C, in the second column of the item “**Permitted development**” for paragraph C.1 there shall be substituted the following paragraph –

“C.1 **Within the area of a harbour administered by the harbour authority (being the person appointed as such under Article 2(1) of the Harbours (Administration) (Jersey) Law 1961) –**

(a) **dredging, the placing and fixing of moorings (including pontoons and access ramps) and the installation of technical or security equipment necessary for the operation of the harbour;**

(b) **repair and maintenance of ramps, fuel jetty and associated equipment, navigational aids, handrails, ladders, drying pads and operational equipment.”;**

(c) in the entry for a permitted development of Class D –

(i) in the second column of the item “**Permitted development**” –

(A) in paragraph D.1, after the word “airport” where it first occurs there shall be inserted the words “(as shown in the map set out in Part 2 of the annexure to this Schedule)”,

(B) after paragraph D.1, there shall be inserted the following paragraph –

“D.1A The repair and maintenance of operational equipment and navigational aids, with the exclusion of reed beds.”,

(ii) in the second column of the item “Work not permitted” after paragraph D.2, there shall be inserted the following paragraph –

“D.3 work is not permitted by Class D for the construction, extension or relocation of a runway.”.

- (7) In Part 7 of Schedule 1 to the principal Order, in the entry for a permitted development of Class A –
- (a) in the second column of the item “**Permitted development**”, in paragraph A.1 –
- (A) sub-paragraph (a) shall be deleted,
- (B) in sub-paragraph (e), the words “or commercial” shall be deleted,
- (C) in sub-paragraph (h), after the word “a” the words “building or other” shall be inserted,
- (D) after sub-paragraph (h) there shall be inserted the following sub-paragraph –
- “(i) in the case of demolition of a swimming pool, the infilling of land as a result of the removal of the structure of the swimming pool.”,
- (b) in the second column of the item “Work not permitted”, in paragraph A.2(b) for the word “premises” there shall be substituted the words “a road”,
- (c) in the second column of the item “Conditions”, after paragraph A.4 there shall be inserted the following paragraph –
- “A.5 In the case of the infilling of land as a result of removal of a swimming pool, the infill must be clean and inert material.”.
- (8) In Part 8 of Schedule 1 to the principal Order –
- (a) in the entry for a permitted development of Class A –
- (i) in the second column of the item “**Permitted development**” in paragraph A.1(a), after the words “hot food” there shall be inserted the words “, hot drinks or warmed pre-prepared food”,
- (ii) the item “Interpretation of Class A shall be deleted;
- (b) for the entry for a permitted development of Class B there shall substituted the following entry –

“Permitted development	B.1	<b>Development consisting of a change of use from –</b>
		<b>Class A – shop - to Class K medical and welfare;</b>
		<b>Class B – food and drink to Class A – shop;</b>
		<b>Class C – office to Class E – warehouse;</b>
		<b>Class C – office to Class G – social;</b>
		<b>Class F – tourism accommodation to Class J – residential institution;</b>
		<b>Class H – leisure to Class G – social;</b>
		<b>Class H – leisure to Class I – entertainment;</b>

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**Class I – entertainment to Class G – social;**

**Class I – entertainment to Class H – leisure;**

**Class J – residential institution to Class L –special institution;**

**Class K medical and welfare to Class A – shop;**

**Class L – special institution to Class J – residential institution;**

**Class M – Evening economy and drinking establishments – to Class B – food and drink**

Interpretation  
of Class B

B.2

For the purposes of Class B, a reference to a class by letter is a reference to the use Class bearing that letter in Schedule 2.”.

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(9) in the annexure to Schedule 1 –

- (a) after the Heading “ANNEXURE” there shall be inserted the sub-heading “PART 1”;
- (b) after the map in Part 1 there shall be inserted the following subheading and map –

**“PART 2**



**6 Amendment of Schedule 2**

In Schedule 2 of the principal Order –

- (a) in Class A, for paragraph 9(d) there shall be substituted the following paragraph –

“(d) for the sale of hot drinks or cold drinks, cold food or warmed prepared food;”;

- (b) For Class B there shall be substituted the following Class –

**“Class B – Food and drink**

Use for the sale of food or drink –

- (a) for consumption on premises as –
  - (i) a restaurant,
  - (ii) a cafeteria, or
- (b) for al fresco dining.”;
- (c) For Class E there shall be substituted the following Class –

**“Class E – Warehouse**

Use as a wholesale (but not retail) warehouse or repository for storage including dry storage and cold storage except that this class does not include use as a store for agricultural purposes.”;

- (d) In Class F –
  - (i) for the heading there shall be substituted the heading **“Tourism accommodation”**,
  - (ii) after paragraph (b) there shall be inserted the following paragraphs –
    - “(c) accommodation providing bed and breakfast;
    - (d) a self-catering accommodation;
    - (e) a serviced accommodation.”;
- (e) For Class H there shall be substituted the following Class –

**“Class H – Leisure**

Use of a building for –

- (a) a skating rink or rollerblading rink;
  - (b) a swimming bath;
  - (c) a gymnasium including a building or part of a building used for sports, dancing, martial arts, personal fitness training;
  - (d) a tourism attraction.”;
- (f) in Class J after paragraph (d) there shall be added the following paragraphs –
    - “(e) a women’s refuge;
    - (f) a men’s hostel.”;
  - (g) in class K for paragraph (c) there shall be substituted the following paragraph –
    - “(c) a building or part of a building for providing alternative health services, including acupuncture, podiatry and massage.”;
  - (h) after Class L there shall be added the following Classes –

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**Class M – Evening economy and drinking establishment**

Use of a building as –

- (a) a bar, including a wine bar;
- (b) an entertainment venue;
- (c) a night club;
- (d) a public house,

except that this class does not include use of a building as a take-away.

**Class N –Industrial**

Use of a building for industrial purposes.”.

**7 Citation and commencement**

This Order may be cited as the Planning and Building (General Development) (Amendment No. 2) (Jersey) Order 201-and shall come into force 28 days after it is made.

