

## Step-by-step guide: planning applications

There are three sections to this step-by-step guide

- Section 1 outlines the service we offer to customers before they submit a planning application
- Section 2 outlines the service we offer to customers submitting planning applications
- Section 3 outlines the service we offer to customers wishing to comment on someone else's planning application

### Section 1

#### Services we offer to customers before they submit a planning application

##### **Clear, accurate information**

We will endeavour to explain the planning application process in a clear and helpful manner. We will provide written guidance on how to submit planning applications and explain the types of building and development that do not require planning permission. This information is available from our website, or on request, from our office.

##### **Pre-application planning advice service (small developments)**

We provide a free drop-in planning advice service for smaller developments at our South Hill office from 8.30am to 4.30pm, Monday to Friday. Advice is provided by a duty planning officer on a first come, first served basis. This service is aimed at householders or others wishing to undertake small scale alterations or developments.

##### **Pre-application planning advice service (larger developments)**

We provide a free pre-application advice service for customers who are seeking advice on larger developments. Appointments will need to be pre-booked. Information about this service is available from our website, or on request from our office.

### Section 2

#### Services we offer to customers who submit a planning application

##### **Registering your application**

We aim to register all complete applications within 5 working days. Please ensure your application form is filled in properly, includes all the supporting information that is requested and the correct fee.

If your application is not complete we will return it to you and explain what the problem is.

Once the application is complete, we will register it. At this stage:

1. We will send you Site Notices which you will need to clearly display on the property for 21 days. The purpose of Site Notices is to make other people aware of your proposed development so that they can comment on it if they wish.

We will also send you a confirmation form which you need to sign and return together with photographs that clearly show the position of the Site Notices around the property. This must be done within 7 days so that we have evidence that the Site Notices were properly displayed. We cannot start assessing your application until you have sent us that information. If we have not received it within 7 days, we will send you a reminder. If we have not received it within 14 days we will withdraw your application and return it to you minus an administration fee of £32.

2. We will advertise your application in the Jersey Evening Post and on our website. The advert will appear on the Tuesday after your application is registered or on the following Tuesday. We advertise in order that other people can comment on your application if they wish to. Anyone wishing to comment should do so within 21 days of the advert in the Jersey Evening Post or of the Site Notices being displayed. We will consider comments received after the 21 day deadline if the application has not already been determined.

We will let you have copies of any comments received.

3. We will contact everyone that we consider should be consulted about your application. We will write to them within 2 working days of registering your application and request that they respond within 21 days. If they do not respond, we will send them a reminder and give them an extra 7 days. If they still do not respond, we will assume they have no comments to make. If your application raises complex issues we may extend the consultation period.
4. We will also consider whether it is appropriate for you to request that your application is reviewed by Jersey's independent Architecture Commission. The Commission will only review proposals which are considered significant in terms of architecture and design.
5. If appropriate we will visit the property as part of the assessment process. Properties are usually viewed from the outside but if we do need to enter a building we will arrange a time which is convenient with you.

### **Changing or amending your application**

We may ask you to make changes or alterations to your application. If this is the case, we will write to you and let you know what needs changing. You will need to make the changes and send us amended plans within 21 days.

You must tell us if you intend to amend your plans but are unable to do so within 21 days, in which case we may allow an extended timeframe. If we do not know to expect a delay we will determine your application on the information that we have once those 21 days have elapsed. It is important that you tell us what is happening.

If we request changes they will be relatively minor and will address concerns raised during the assessment process, for example:

- alterations to elements of the design, window positions or materials
- modest reductions in the height or size of the buildings or minor repositioning on the site
- changes to the layout of rooms, amenity space or car parking arrangements.

We will not re-advertise minor changes or alterations via Site Notices, the Jersey Evening Post or our website. We might, in exceptional circumstances, notify people who have commented on your application but this will depend on the proposed changes.

If your application requires significant alterations such as a re-design, changes to the number of residential units or if it does not accord with planning policy, we will refuse it. We will not agree an extended timeframe for you to make alterations that are significant enough to require re-advertising.

If you are concerned about your proposals, talk to us before submitting an application.

### **Withdrawing your application**

If you withdraw your application during the assessment process, we will return your fee minus deductions for the costs we have incurred. Deductions will approximately equate to:

- 10% of your planning application fee or £32 (whichever is the greater amount) if you withdraw your application within 2 weeks of registration
- 30% of your planning application fee if you withdraw your application within 4 weeks of registration
- 60% of your planning application fee if you withdraw your application within 7 weeks of registration
- 90% of your planning application fee if you withdraw your application within 12 weeks of registration
- 100% of your planning application fee if you withdraw your application after 12 weeks of registration.

It is not possible to receive a refund or withdraw your application once it has been determined.

### **Determination of applications**

We will assess your application soon after registration to establish whether it should be determined by planning officers, the Minister for Planning and Environment or the Planning Applications Panel. This decision could however be revised at any time during the assessment process.

- **Determination by officers:** The vast majority of applications are determined by planning officers. All decisions to approve or refuse are checked by a senior officer.
- **Determination by the Planning Applications Panel:** The Panel makes all its decisions at public meetings. If the Panel is unable to determine an application because it requires additional information they may defer the application to their next meeting. If the Panel is considering making a decision which is contrary to a planning officer's advice, the application will be referred to the Minister. The Minister may choose to refer the matter back to the Panel, issue advice to the Panel or determine the application himself.
- **Determination by the Minister:** The Minister may determine planning applications at public meetings or in consultation with planning officers. The Minister can defer an application from a public meeting and determine it later after further consideration.

We will write and tell you if your application is to be determined at a public meeting a minimum of 5 working days before the meeting. We will also advertise the meeting in the Jersey Evening Post and on our website and tell anyone who was consulted about your application or anyone who commented on it. You are welcome to attend the meeting if you wish and you may be able to speak for up to 5 minutes at the meeting if the Minister or Chair of the Planning Applications Panel agrees.

You will be able to get copies of all the written reports to be considered at the meeting 5 working days before the meeting from our website, or on request, from our office.

### **Targets for determining your application**

We aim to determine 95% of all applications within an agreed timeframe<sup>2</sup>. This will be within 13 weeks of registration unless:

- the Minister or Planning Applications Panel are to determine the application. In this instance, we aim to determine 95% of these applications in 16 weeks
- the application is particularly complex, or if it is to be considered by the Architecture Commission, in which case we will agree an extension with you;
- we need to review whether the property, or a structure or tree on the land affected by the proposed development, should be given protected status. We will contact you if this is the case
- we have allowed an extended timeframe in order for changes or amendments to be made. Extensions are only granted in exceptional circumstances and need to be approved by a senior member of staff.

<p><sup>2</sup> We are currently working to improve our systems. By the end of December 2009 we aim to determine 95% of all new applications within the target timeframe.</p>
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For more details see appendix 1

### **Appealing our decision on your planning application**

You have 3 options for appeal if you are dissatisfied with a planning decision:

1. **Request for Reconsideration in public.** You may request that your application is reconsidered in public, if it was not originally determined by the Minister or the Planning Applications Panel. You must send a written request to the Department within 2 months of the date of the Decision Notice.
2. **Complaints Board Hearing.** You must write to the States Greffier to request a hearing within 12 months of the date of the decision.
3. **Royal Court Appeal.** You may lodge an appeal, in the prescribed form, at the Royal Court within 28 days of the date of Decision Notice. If you wish to proceed with a Royal Court Appeal you are advised to consult a lawyer.

Guidance on your Right of Appeal is available from our website, or on request, from our office.

## Section 3

### The services we offer to customers who wish to comment on an application

#### Finding out about applications

- We will advertise all new planning applications in the Jersey Evening Post on the Tuesday after the application is registered by us, or on the following Tuesday. We will not re-advertise the application if the applicant makes changes to their proposed scheme during that assessment process, providing those changes are relatively minor and do not constitute a significant redesign.
- We will require all applicants to clearly display Site Notices on the property providing details about the application.
- We will provide an up-to-date register of applications on our website for you to view.
- We will keep a register of all protected trees, buildings or structures and sites of architectural, archaeological and historic importance on our website for you to view.

#### Commenting on applications

We will make all new applications and associated plans available for you to view at our South Hill office (8.30am to 5pm Monday to Friday) and at the relevant Parish Hall. We will endeavour to respond to any general queries you might have when viewing applications at our office.

You must comment in writing (letter or email) or via our website. You can object to the application, support it, or simply draw things to the attention of the planning officers. We will acknowledge receipt of your comments within 5 working days. We will take them into account when assessing the application but we do not have the resources available to respond in writing to individual queries or meet you in person.

Any comments you make will be sent to the applicant and may be made available to others on request.

Guidance on making comments is available from our website, or on request, from our office.

You should submit your comments within 21 days of either the application being advertised in the Jersey Evening Post or the date on the Site Notice. We will consider comments received after the 21 day deadline if the application has not already been determined.

We will write and tell you if the application is to be determined at a public meeting a minimum of 5 working days before the meeting. We will also advertise the meeting in the Jersey Evening Post and on our website and tell anyone who was consulted about the application or anyone who commented on it. You are welcome to attend the meeting if you wish and you may be able to speak for up to 5 minutes at the meeting if the Minister or Chair of the Planning Applications Panel agrees.

We will write and you tell what the decision is on the same day we send the applicant their formal Decision Notice. If we approve the application, the Decision Notice will not take effect for 28 days to allow you to make a third party appeal if you wish to do so.

You may, in some circumstances, make a third party appeal to the Royal Court if you are dissatisfied with our decision. You can only do this if you commented on the planning

application and you live or have a legal interest in land which is within 50 metres of the application site and you do so within 14 days of the date of notification of the Decision. If you wish to proceed with a Royal Court Appeal you are advised to consult a lawyer.

More information is available from our website, or on request, from our office.

If you have any comments or require additional information or help you can contact us on:

Web: [www.gov.je/PlanningEnvironment](http://www.gov.je/PlanningEnvironment)

Telephone: 01534 445508

Email: [planning@gov.je](mailto:planning@gov.je)

Office: Planning and Building Services, South Hill, St Helier, Jersey JE2 4US

## Appendix 1: Stage by stage summary of the process for determining planning applications

This is for indicative purposes only. It may vary on a case-by-case basis.

Pre-registration	STAGE 1	STAGE 2	STAGE 3	STAGE 4	STAGE 5	STAGE 6	STAGE 7	STAGE 8
<p>An application is submitted with all the necessary supporting information and the correct fee.</p> <p>We check the application. If it is complete we register it within 5 days. If information is missing we return it.</p>	<p>We will send Site Notices to be displayed around the site for 21 days. The applicant will confirm the Notices are displayed and send photographs within 7 days. If confirmation is not received within 14 days we will return the application minus a fee.</p> <p>We will advertise the application in the Jersey Evening Post, inviting comments within 21 days. We will acknowledge all comments and send the applicant copies.</p> <p>We will consult relevant organisations about the application. They will usually respond within 21 days. We will send copies of responses to the applicant.</p> <p>We will consider whether the Minister or Planning Applications Panel should determine, or be consulted about, the application.</p>	<p>We will start to assess the application once the applicant has confirmed the Site Notices are displayed.</p>	<p>We will visit the property if appropriate.</p> <p>We usually view properties from outside but if we do need to enter, we will arrange a convenient time to do so.</p>	<p>We will chase any organisations that have not yet commented and start to review the comments received, including those received from members of the public.</p>	<p>If necessary we will ask for changes or alterations to be made to the proposed scheme.</p> <p>Alterations will need to be made and revised plans sent to us within 21 days.</p> <p>Alterations made at this stage will address concerns raised during the assessment process. They will not constitute major changes to the scheme and will not be re-advertised in the Jersey Evening Post or by Site Notice.</p> <p>If large scale or substantial changes are required we will refuse the application.</p>	<p>We will review any changes or alterations.</p> <p>If necessary we will consult with the Department Architect, the Minister or other organisations about any unresolved issues.</p>	<p>If the application is to be determined by the Minister or the Planning Applications Panel, we will arrange for this to happen. We may also arrange for the Minister or Planning Applications Panel to visit the property.</p> <p>We will inform the applicant, and anyone who has submitted comments, of the date of the public meeting.</p> <p>If the application is to be determined by the Department, a planning officer will decide whether to approve or refuse. The decision will be checked by a senior officer.</p>	<p>We will inform the applicant, and anyone who has submitted comments, of the decision.</p> <p>If an application is approved, and someone has previously commented on it, the decision will not take effect for 28 days. This is to allow time for an appeal.</p>