



SUMMARY OF AMENDMENT NO. 8 - INCORPORATED INTO THE: PLANNING & BUILDING (JERSEY) LAW 2002 AS OF 12TH AUGUST 2022

(Refer to bottom of the document for links).

Please note that reference to 'the Law' refers to the Planning & Building (Jersey) Law 2002.

MAJOR CHANGES

1. Expanding the definition of development to include works to trees:

Previously trees were only protected through the List of Protected Trees. The change is an enabling power to include as development works to trees as defined in the articles below.

(Refer to Article 2 (b) for more details-Amendment No. 8).

(Refer to Article 1 (1) of the Planning & Building (Jersey) Law 2002).

(NOT IN FORCE YET - intended to come into force in July 2023).

2. Creation of Conservation Areas:

Previously there was no provision for the creation of conservation areas. The change brings enabling powers to create conservation areas. A framework for conservation areas was published in August 2022, outlining the proposed basis of the regulatory regime for the protection and improvement of conservation areas.

(Refer to Article 13 for more details-Amendment No. 8).

(Refer to Article 56A of the Planning & Building (Jersey) Law 2002).

3. Expanding who can determine public inquiries:

Previously only the Minister could determine applications subject to public inquiries. The change allows the Minister or a panel to determine public inquiry applications, should the Minister decide to do so.

(Refer to Article 6 for more details-Amendment No. 8).

(Refer to Article 12 of the Planning & Building (Jersey) Law 2002).

MINOR CHANGES

1. Bye-Laws for in-building infrastructure:

To introduce the ability to make Building Bye-Laws for installations of in-building infrastructure and equipment for high speed data communication networks and electric car charging points.

(Refer to Article 9 for more details-Amendment No. 8).

(Refer to Article 31 of the Planning & Building (Jersey) Law 2002).

2. Control of Caravans by Order:

Previously the importation and keeping of caravans on Island was controlled by applications. The change allows for the control of caravans by Order thereby reducing the need for Islanders and tourists to make an application to store or use their caravans.

(Refer to Article 17 for more details-Amendment No. 8).

(Refer to Chapter 7 of the Planning & Building (Jersey) Law 2002).



3. Appointment of Inspectors as contractors:

The Law previously required inspectors to be States employees. The change removes this requirement and retains inspectors as contractors. All other requirements of appointment remain.

(Refer to Article 18 for more details-Amendment No. 8).

(Refer to Article 107 of the Planning & Building (Jersey) Law 2002).

4. Right of appeal for Parishes and Government of Jersey:

Previously the Law specified that a third-party appeal can be made by “a person” other than the applicant. The change clarifies that a third-party appeal can be made by a person, a Parish, or a department of the Government of Jersey. All other tests for appeal remain.

(Refer to Article 19 for more details-Amendment No. 8).

(Refer to Article 108 of the Planning & Building (Jersey) Law 2002).

5. Time limits to bring an appeal:

Specific provision is introduced to appeal to the Judicial Greffier for an extension of time to bring an appeal beyond 28 days currently under the Law. By introducing decisions of the Judicial Greffier to allow extensions of time, the change also introduces the right to appeal such a decision of the Judicial Greffier through the Royal Court.

(Refer to Article 20 for more details-Amendment No. 8).

(Refer to Article 112 of the Planning & Building (Jersey) Law 2002).

6. Appeal procedures:

Previously inspectors could modify appeal procedures only by changing written representation appeals to hearings. This change permits inspectors to modify procedures from hearings to written representations with the consent of the appeal parties.

(Refer to Article 22 for more details-Amendment No. 8).

(Refer to Article 114 of the Planning & Building (Jersey) Law 2002).

CURRENT PRACTICE CHANGES

1. Publication of Applications:

Previously if applications were not publicised in accordance with the law, no decision can be made. This change allows the Chief Officer to reject an application which does not have the necessary evidence of publication, thereby concluding the application process. It also allows for the creation of an Order to: stipulate the manner, including any limit of time, in which an application must be publicised or notified; and, the manner, including any limit of time, in which evidence of publication or notification of the application must be provided by an applicant. Determination of an application cannot be made until after the expiration of the prescribed period for publication or notification of an application.

(Refer to Article 5 for more details-Amendment No. 8).

(Refer to Article 11 of the Planning & Building (Jersey) Law 2002).

2. Definition of what constitutes commencement of development:

This amendment elaborates on the definition of what constitutes commencement of development and, in relation to a building operation, it defines a “material operation”.

(Refer to Article 4 for more information-Amendment No. 8).

(Refer to Article 5 of the Planning & Building (Jersey) Law 2002).

3. Conditions to include biodiversity:

The Law defines conditions that may be applied to planning permission. Conditions can now be imposed which relate to enhancement of biodiversity.

(Refer to Article 8 for more information-Amendment No. 8).

(Refer to Article 23 of the Planning & Building (Jersey) Law 2002).

4. Conditions to include commencement:

The defined conditions for planning permission include a time limit. This change prescribes a 3 year time limit in which development must be commenced. The inclusion of this within the Law now removes the option for an applicant to apply to extend the time limit within which to commence development. Upon expiration of planning permission, if development has not commenced, the permission lapses and a new application is required for the full development.

(Refer to Article 8 for more details-Amendment No. 8).

(Refer to Article 23 of the Planning & Building (Jersey) Law 2002).

5. Requirement for Sites of Special Interest (SSI) applications:

Previously applications for works to Sites of Special Interest were only required where the change has an adverse impact. This amendment removes the judgement of adverse impact and requires an application for any change.

(Refer to Article 10 below for more details-Amendment No. 8).

(Refer to Articles 53 & 54 of the Planning & Building (Jersey) Law 2002).

6. Right to appeal against reserved matters:

A right of appeal exists against all other types of decisions within the Law except for reserved matters. The change now includes this provision.

(Refer to Article 19 below for more details-Amendment No. 8).

(Refer to Article 108 of the Planning & Building (Jersey) Law 2002).

7. Minister’s decision on appeal:

This amendment confirms that, following the Minister’s determination of an appeal, the decision date is the appeal determination date.

(Refer to Article 23 below for more details-Amendment No. 8).

(Refer to Article 116 of the Planning & Building (Jersey) Law 2002).

Useful links:

[Planning and Building \(Amendment No. 8\) \(Jersey\) Law 2022 \(jerseylaw.je\)](https://www.jerseylaw.gov.je/planning-and-building-amendment-no-8-jersey-law-2022)

[Planning and Building \(Jersey\) Law 2002 \(jerseylaw.je\)](https://www.jerseylaw.gov.je/planning-and-building-law-2002)

[R revised framework for conservation areas.pdf \(gov.je\)](#)