



Jersey

**DRAFT PLANNING AND BUILDING (GENERAL
DEVELOPMENT) (AMENDMENT No. 8) (JERSEY)
ORDER 202-**

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DRAFT PLANNING AND BUILDING (GENERAL DEVELOPMENT) (AMENDMENT No. 8) (JERSEY) ORDER 202-

Made [date to be inserted]

Coming into force [date to be inserted]

THE MINISTER FOR THE ENVIRONMENT makes this Order under Articles 8(3)(a) and 124 of the [Planning and Building \(Jersey\) Law 2002](#) –

1 [Planning and Building \(General Development\) \(Jersey\) Order 2011](#) amended

This Order amends the [Planning and Building \(General Development\) \(Jersey\) Order 2011](#).

2 Article 1 (interpretation) amended

In Article 1 –

- (a) for the definition “AAP” there is substituted –
“ “AAP” means an area designated by the Minister as an area of archaeological potential under Article 6(4) of the Law;”;
- (b) for the definition “CA” there is substituted –
“ “CA” or “conservation area” means an area designated by the Minister as a conservation area under Article 56A of the Law;”;
- (c) after the definition “flat” there is inserted –
“ “foreshore” means the land that lies between the limits of the highest and lowest tides;”;
- (d) the definitions “Minister’s register” and “pLBP” are deleted.

3 Part 1 of Schedule 1 amended

- (1) This Article amends Part 1 of Schedule 1 (work carried out to, and within the curtilage of, a dwelling-house).
- (2) In Class A, in the entry “Work not permitted”, in the second column of the table –
 - (a) in paragraph A.2(b), “or pLBP” is deleted;
 - (b) after paragraph A.2(b) there is inserted –

- “(ba) with the exception of the erection of a free-standing flagpole, the dwelling-house is in a CA and the work is visible from a road or the foreshore;”;
 - (c) in paragraph A.2(e), “, pLBP” is deleted.
- (3) In Class B, in the entry “Work not permitted”, in the second column of the table, in paragraph B.2(a) –
 - (a) “or pLBP” is deleted;
 - (b) after “principal elevation of the dwelling house” there is inserted “or are visible from a road or the foreshore”.
- (4) In Class C, in the entry “Work not permitted”, in the second column of the table –
 - (a) in paragraph C.2(a)(i), “or pLBP or is in a CA” is deleted;
 - (b) after paragraph C.2(a)(ii) there is inserted –
 - “(iii) the dwelling-house is in a CA and the work is visible from a road or the foreshore;”.
- (5) In Class D, in the entry “Work not permitted”, in the second column of the table –
 - (a) in paragraph D.2(a), “or pLBP or is in a CA” is deleted;
 - (b) after paragraph D.2(a) there is inserted –
 - “(aa) the dwelling-house is in a CA and the work is visible from a road or the foreshore;”.
- (6) In Class E, in the entry “Work not permitted”, in the second column of the table –
 - (a) in paragraph E.2(a), “or pLBP” is deleted;
 - (b) after paragraph E.2(a) there is inserted –
 - “(aa) the dwelling-house is in a CA and the work is visible from a road or the foreshore;”.
- (7) In Class F, in the entry “Work not permitted”, in the second column of the table, in paragraph F.2 for “or pLBP, or is in a CA” there is substituted “or, where the building is in a CA, the work is visible from a road or the foreshore”.

4 Part 2 of Schedule 1 amended

- (1) This Article amends Part 2 of Schedule 1 (work carried out to, and within the curtilage of, a building containing one or more flats).
- (2) In Class A, in the entry “Work not permitted”, in the second column of the table –
 - (a) in paragraph A.2(a), “or pLBP” is deleted;
 - (b) after paragraph A.2(a) there is inserted –
 - “(aa) the building is in a CA and the work is visible from a road or the foreshore;”.
- (3) In Class AA, in the entry “Work not permitted”, in the second column of the table –
 - (a) in paragraph AA.2(a), “or pLBP” is deleted;
 - (b) after paragraph AA.2(a) there is inserted –
 - “(aa) the building is in a CA and the work is visible from a road or the foreshore;”.
- (4) In Class B, in the entry “Work not permitted”, in the second column of table –

- (a) for paragraph B.2(a) there is substituted –
“(a) the building is or forms part of a LBP, or is in an AAP;”;
 - (b) after paragraph B.2(a) there is inserted –
“(aa) the building is in a CA and the work is visible from a road or the foreshore;”.
- (5) In Class C, in the entry “Work not permitted”, in the second column of the table –
- (a) in paragraph C.2(a)(i), “or pLBP or is in a CA” is deleted;
 - (b) after paragraph C.2(a)(ii) there is inserted –
“(iii) the building concerned, or its curtilage, is in a CA and the work is visible from a road or the foreshore;”.
- (6) In Class D, in the entry “Work not permitted”, in the second column of the table –
- (a) in paragraph D.2(a), “or pLBP or is in a CA” is deleted;
 - (b) after paragraph D.2(a) there is inserted –
“(aa) the building is in a CA and the work is visible from a road or the foreshore;”.
- (7) In Class E, in the entry “Work not permitted”, in the second column of the table, in paragraph E.2 for “or pLBP, or is in a CA” there is substituted “or, where the building is in a CA, the work is visible from a road or the foreshore”.

5 Part 3 of Schedule 1 amended

- (1) This Article amends Part 3 of Schedule 1 (repairs, maintenance and minor works to land and buildings).
- (2) In Class A, in the entry “Work not permitted”, in the second column of the table, for paragraph A.2 there is substituted –
“A.2 Work is not permitted by Class A if –
- (a) the building is or forms part of a LBP and the part of the building to be painted has never been painted; or
 - (b) the building is situated in a CA, the part of the building to be painted or repainted is visible from a road or the foreshore and the appearance of the building would be materially altered by the painting or repainting.”.
- (3) In Class AB, in the entry “Work not permitted”, in the second column of the table, in paragraph AB.2(b) for “LBP or pLBP, or is in an AAP or CA” there is substituted “LBP, or is in an AAP”.
- (4) In Class B, in the entry “Work not permitted”, in the second column of the table, in paragraph B.2(c), for “LBP or pLBP, or the building is in a CA and the installation would face a road” there is substituted “LBP, or the building is in a CA and the installation would be visible from a road or the foreshore”.
- (5) In Class BA –
- (a) in the entry “Work not permitted”, in the second column of the table, in paragraph BA.2 for “or pLBP” there is substituted “or, where the building is in a CA, the installation is visible from a road or the foreshore”;
 - (b) in the entry “Conditions”, in the second column of the table, after paragraph BA.3 there is inserted –

- “BA.4 Where the building is in a CA, the dimensions of a security camera (excluding any mounting, fixing, bracket or other support structure) must not exceed 150 millimetres in width, length or depth.”
- (6) In Class BB, in the entry “Work not permitted”, in the second column of the table, in paragraph BB.2, for “or pLBP” there is substituted “or, where the building is in a CA, the work is visible from a road or the foreshore”.
- (7) In Class D –
- (a) in the entry “Permitted development”, in the second column of the table, for paragraph D.1 there is substituted –
- “D.1 Any operation carried out within the boundaries of a private way for the purpose of improving the private way, including –**
- (a) **the installation of lamp standards, seats, cycle racks, refuse bins, bollards, barriers for the control of people or vehicles, and similar structures required in connection with the private way; and**
- (b) **the carrying out of works to construct or maintain, improve or otherwise alter the surface of the private way.”;**
- (b) in the entry “Work not permitted”, in the second column of the table –
- (i) in paragraph D.2(b), “or pLBP or is in a CA” is deleted,
- (ii) after paragraph D.2(b) there is inserted –
- “(c) the land is in a CA and the work is visible from a road or the foreshore.”.
- (8) In Class E, in the entry “Work not permitted”, in the second column of the table, in paragraph E.2(a), “or pLBP” is deleted.
- (9) In Class F, in the entry “Work not permitted”, in the second column of the table, in paragraph F.2(a) for “of pLBP or is in a CA” there is substituted “or, where the building is in a CA, the work is visible from a road or the foreshore”.
- (10) In Class G, in the entry “Work not permitted”, in the second column of the table, in paragraph G.2(b), “or pLBP” is deleted.
- (11) In Class I, in the entry “Work not permitted”, in the second column of the table, in paragraph I.2(b), “or pLBP” is deleted.
- (12) In Class K –
- (a) in the entry “Work not permitted”, in the second column of the table, in paragraph K.2(a) for “or pLBP or is in a CA” there is substituted “or, where the building is in a CA, the work is visible from a road or the foreshore”;
- (b) in the entry “Conditions”, in the second column of the table, for paragraph K.3 there is substituted –
- “K.3 Where the building is or is part of a LBP the work must not result in the permanent alteration or removal of any feature that gives rise to the listing of the building as a LBP.”.**
- (13) In Class L, in the entry “Work not permitted”, in the second column of the table, in paragraph L.2 for “or pLBP” there is substituted “or, where the building is in a CA, the work is visible from a road or the foreshore”.
- (14) In Class M, in the entry “Work not permitted”, in the second column of the table –
- (a) in paragraph M.2(a)(i), “or pLBP or is in a CA” is deleted;
- (b) after paragraph M.2(a)(ii) there is inserted –

“(iii) the work is in a CA and the work is visible from a road or the foreshore;”.

(15) In Class N, in the entry “Work not permitted”, in the second column of the table, in paragraph N.2 for “or pLBP” there is substituted “or, where the building is in a CA, the work is visible from a road or the foreshore”.

(16) After Class N, there is inserted –

“CLASS O	
Permitted development	O.1 The installation of apparatus to provide external illumination.
Work not permitted	O.2 Work is not permitted by Class O if the land or building is in a CA and the area illuminated is visible from a road or the foreshore.”.

6 Part 4 of Schedule 1 amended

(1) This Article amends Part 4 of Schedule 1 (the installation of equipment for the generation of electricity from renewable sources or for the efficient use of energy).

(2) In Class A, in the entry “Work not permitted”, in the second column of the table, in paragraph A.2(a) –

(a) “or pLBP” is deleted;

(b) for “in the case where the installation is to be located on a principal elevation, the building is in a CA” there is substituted “where the building is in a CA, the installation is visible from a road or the foreshore”.

(3) In Class B, in the entry “Work not permitted”, in the second column of the table, in paragraph B.2 for “or pLBP, or in a case where an air-pump is to be situated on a principal elevation of a building, the building is in a CA” there is substituted “or, where the building is in a CA, the installation is visible from a road or the foreshore”.

(4) In Class C, in the entry “Work not permitted”, in the second column of the table, for paragraph C.2(e) there is substituted –

“(e) the building to which the turbine is to be attached is or forms part of a LBP or is in a CA, or, in a case where a wind-turbine is within the curtilage of a building but is not attached to the building, the building and its curtilage is or forms part of a LBP, is in an AAP, or is in a CA and the turbine is visible from a road or the foreshore.”.

7 Part 5 of Schedule 1 amended

(1) This Article amends Part 5 of Schedule 1 (development at industrial or similar premises).

(2) In Class A, in the entry “Work not permitted”, in the second column of the table, in paragraph A.2(a), “or pLBP” is deleted.

(3) In Class B, in the entry “Work not permitted”, in the second column of the table –

(a) in paragraph B.2(a), “or pLBP or is in a CA” is deleted;

(b) after paragraph B.2(a) there is inserted –

“(aa) the building is in a CA and the work is visible from a road or the foreshore;”.

8 Part 6 of Schedule 1 amended

- (1) This Article amends Part 6 of Schedule 1 (development by providers of public services and utilities).
- (2) In Class A –
 - (a) in the entry “Permitted development”, in the second column of the table, after paragraph A.1(b) there is inserted –
 - “(c) **road surfaces or the surfaces of other public areas administered by the public authority.**”;
 - (b) in the entry “Work not permitted”, in the second column of the table –
 - (i) in paragraph A.2(b), “or pLBP” is deleted,
 - (ii) after paragraph A.2(b) there is inserted –
 - “(c) the land is in a CA and the work is visible from a road or the foreshore.”.
- (3) In Class B, in the entry “Work not permitted”, in the second column of the table –
 - (a) in paragraph B.2(a) “or pLBP” is deleted;
 - (b) after paragraph B.2(a) there is inserted –
 - “(aa) the work is to be carried out on land that is in a CA and the work is visible from a road or the foreshore;”.
- (4) In Class C, in the entry “Work not permitted”, in the second column of the table, in paragraph C.2, “or pLBP” is deleted.
- (5) In Class D, in the entry “Work not permitted”, in the second column of the table, in paragraph D.2, “or pLBP” is deleted.

9 Part 7 of Schedule 1 amended

In Part 7 of Schedule 1 (demolition), in Class A, in the entry “Work not permitted”, in the second column of the table, in paragraph A.2(a), “or pLBP” is deleted.

10 Part 9 of Schedule 1 amended

- (1) This Article amends Part 9 of Schedule 1 (emergency development by the Government of Jersey).
- (2) In the Part heading for “Government of Jersey” there is substituted “Minister”.
- (3) In Class A –
 - (a) in the entry “Permitted development”, in the second column of the table –
 - (i) in paragraph A.1(a)(i) for “Government of Jersey” there is substituted “Minister”,
 - (ii) in paragraph A.1(b) for “Government of Jersey” there is substituted “Minister”;
 - (b) in the entry “Limitations and conditions”, in the second column of the table –
 - (i) in paragraph A.3(2) for “or pLBP, or is in an AAP” there is substituted “, or is in an AAP or a CA”,

- (ii) in paragraph A.3(2)(a), “or pLBP” is deleted,
- (iii) after paragraph A.3(2)(b) there is inserted –
 - “(c) in the case of a CA, it does not involve work which would damage or significantly harm the character or appearance of that land.”.

11 Citation and commencement

This Order may be cited as the Planning and Building (General Development) (Amendment No. 8) (Jersey) Order 202- and comes into force 7 days after it is made.