

Consultation draft

Community engagement in the planning process

July 2012

About supplementary planning guidance

The Minister for Planning and Environment may publish guidelines and policies (supplementary planning guidance) in respect of; development generally; any class of development; the development of any area of land; or the development of a specified site¹.

Supplementary planning guidance may cover a range of issues, both thematic and site specific, and provides further detail about either, policies and proposals in the Island Plan, or other issues relevant to the planning process. It can also be used to provide information about how the planning system operates.

Where relevant, supplementary planning guidance will be taken into account, as a material consideration, in making decisions.

Supplementary planning guidance is issued in a number of different forms including:

- **Advice notes**, which offer more detailed information and guidance about the ways in which Island Plan policies are likely to be operated, interpreted and applied in decision making;
- **Policy notes**, which can be issued by the Minister, following consultation with key stakeholders, in-between reviews of the Island Plan, to supplement and complement the existing planning policy framework;
- **Masterplans, development frameworks and planning briefs** provide more detailed information and guidance about the development of specific sites and areas of the Island; and
- **Practice notes**, which aim to provide information about how the planning system's protocols and procedures operate.

The current supplementary planning guidance is listed and can be viewed on the States of Jersey website at www.gov.je/planningguidance.

Hard copies of all supplementary planning guidance can be obtained from Planning and Building Services, Department of the Environment, South Hill, St Helier, JE2 4US, telephone: 01534 445 508 email: planning@gov.je

¹ Under Article 6 of the Planning and Building (Jersey) Law

1 Introduction

- 1.1 The Minister wishes to encourage and facilitate community engagement in the planning process to ensure that as many people as possible participate in the decisions that affect the shape of our environment and our lives.
- 1.2 The Minister is particularly keen for community groups to apply their creative ideas and energy to the shaping of their own environments in a constructive manner, and in particular, to encourage them to work together in the development of village plans and new guidance for specific parts of the Island².
- 1.3 The Minister recognises, however, that there may also be a desire for community groups to engage with the planning process through the critical review of planning applications. Through this mechanism, community groups are able to advise the Minister; the Planning Applications Panel and the Department of the Environment about matters of concern to them in the determination of planning applications.
- 1.4 The purpose of this procedural guidance note is to set out how community groups might best engage in this process and what both prospective applicants and the Department of the Environment might expect as a result.

2 Status of this guidance

- 2.1 This guidance has been developed by the Department of the Environment in response to a growing desire for community groups to interact and engage with the planning process. It is a procedural guide and it is published by the Minister for Planning and Environment as a draft for consultation.
- 2.2 The results of this consultation will be reviewed by the Department of the Environment and the guidance reviewed and amended where necessary and appropriate prior to adoption.

3 Who is the guidance for?

- 3.1 This guidance is designed to provide all of those with an interest in influencing change in their local environment – including community groups, applicants, developers, architects, agents, neighbours and other stakeholders – with guidance and advice about how community groups can best engage in the planning process and also about how the Department of the Environment expects community groups to engage with all those involved in the planning process.

4 Engagement with the planning process

- 4.1 A number of community groups now regularly engage with the planning process. These groups vary in their form and purpose: some have been formed in response to a particular development proposal or set of development proposals affecting a specific area of the Island; some represent a particular interest or theme; others have been given a mandate to engage with the planning process through a parish assembly, but all wish to be involved and to influence decision-making which affects their particular area of interest.³

² Proposals 14 and 15 of the Island Plan 2011 refer to the Minister's intent to develop new planning policy frameworks for some of the Island's small rural villages and centres.

³ See 'Useful contacts' section for details of active community groups

- 4.2 This can be done in a number of ways, and the purpose of this guidance is to set out how best this might be achieved and what everyone can expect from such engagement.

Review of planning applications

- 4.2.1 Anyone can become involved in the planning process by taking advantage of the opportunity available to them to comment on planning applications: this is simple to do and provides everyone with a stake in the process⁴.
- 4.2.2 Some community groups have, through agreement with the Department for the Environment, established themselves as non-statutory consultees for planning applications affecting the area(s) they are interested in, and receive information about formal development proposals that are received by the Department of the Environment. Other groups simply review the weekly planning application publication list and choose to identify and review those proposals that may be of specific interest to them.
- 4.2.3 The register of planning applications, including the application content, is available to view in hard copy at the offices of the Department of the Environment at South Hill; at all of the Island's parish halls; and also online (see: <https://www.mygov.je/Planning/Pages/planning.aspx>)
- 4.2.4 All comment that is to be made on planning applications needs to be submitted within 21 days of the development proposal having been advertised and needs to be made in writing: it can be submitted through the post or by email to the Department of the Environment.
- 4.2.5 The nature and scale of some development proposals can warrant additional public consultation and engagement with people living in an area that might be most affected by it, including community groups: this is a matter for developers, who may wish to prepare additional consultation material and to present their proposals to promote greater understanding and awareness of the implications of any scheme.
- 4.2.6 The Minister for Planning and Environment would generally encourage the raising of awareness about development proposals for local communities and groups where it is clear that this is not a formal part of the planning application process and where there is an understanding, on behalf of the applicant and the local community or a community group, that the determination of any planning application rests with the Minister for Planning and Environment.
- 4.2.7 The Minister, the Planning Applications Panel and the Department of the Environment will give due consideration in the decision-making process to all representations received about planning applications, whoever they are made by, having regard to their nature and substance. The decision-maker's duty is to consider all representations to the extent that they contain material planning considerations⁵. Similarly, where they are immaterial, regardless of who has made them, the decision-maker may disregard them.
- 4.2.8 The Minister's planning guidance (*Making comment on a planning application* (October 2009)) provides advice on what matters might be considered to be material to a planning application. As stated

⁴ See the Minister's supplementary planning guidance note *Making comment on a planning application* (October 2009): <http://www.gov.je/PlanningBuilding/LawsRegs/SPG/PracticeNotes/Pages/MakingCommentsPlanningApplication.aspx>

⁵ See *Ruette Pinel Farm Limited vs Minister for Planning and Environment* (06 January 2011)

elsewhere in this guidance, the Minister is keen to work with community groups to develop guidance for their own area of interest which may itself, following due process of consultation and adoption, become a material consideration in the planning process.

- 4.2.9 Some planning applications are determined in a public forum and the Minister welcomes representation from community groups to his public meetings or those of the Planning Applications Panel in further support of any representation already made.
- 4.2.10 Community groups may also choose to engage with the media in relation to live planning applications where they wish to raise issues more widely in relation to a particular development proposal. As stated above, the Minister supports the raising of awareness in general about planning matters and will take all material considerations into account where representations are properly made and where they raise material planning considerations.

Pre-consultation advice

- 4.2.11 Some developers and community groups may wish to engage with each other before the submission of formal planning applications: there is no requirement to do this and it is undertaken on an entirely voluntary basis.
- 4.2.12 It may be potentially beneficial to both the prospective developers and a community group in facilitating an informal exchange of information and views about the possible benefits, impacts and mitigation of development schemes before they are submitted as formal planning applications to the Department of the Environment.
- 4.2.13 The Minister for Planning and Environment would encourage the raising of awareness about development proposals for local communities and groups where it is clear that this is not a formal part of the pre-application or planning application processes operated by the Department of the Environment and where there is an understanding, on behalf of the applicant and the local community or a community group, that the determination of any subsequent planning application rests with the Minister for Planning and Environment.
- 4.2.14 The prospective applicant should also be aware that any informal comment offered by community groups through such a process is likely to be made on a 'without prejudice' basis and that any community group may reserve the right to review its position, relative to any subsequent planning application and the preparation of a formal representation on that application, following more in-depth scrutiny and assessment of the proposal and/or consideration of issues subsequently raised by other stakeholders.

Collaboration in plan-making

- 4.2.15 The Minister is particularly keen for community groups to apply their creative ideas and energy to the shaping of their own environments in a constructive manner. In particular, the Minister wishes to encourage them to work with the Department of the Environment in the development of new supplementary planning guidance for the areas that they are particularly interested in and care about. This might take the form of village plans; design guides and Conservation Area statements, amongst others.
- 4.2.16 It may also result in the emergence of specific development proposals as a direct way of meeting some of the community's needs. Any such development proposals would be subject to the formal processes of assessment operated by the Department of the Environment.
- 4.2.17 The development of further supplementary planning guidance would need to be undertaken in collaboration with the Department of the Environment for consideration and adoption by the Minister for Planning and Environment. It would need to be developed through a process involving appropriate consultation with key stakeholders and the local community. The Minister would formally consider the outcome of any consultation process before deciding whether to amend or adopt any new guidance.
- 4.2.18 Where any emergent guidance challenges adopted Island Plan policy, it may require the consideration of the States, as an amendment to the Island Plan.

Useful contacts

Planning and Building Services

Department of the Environment

South Hill, St. Helier, Jersey, JE2 4US

t. 01534 445508 f. 01534 445528

e: planning@gov.je w: www.gov.je/planningbuilding

Community and other groups

La Comité du Commune Rurale de St Jean

c/o Parish Hall

La Rue de la Mare Ballam

St John

JE3 4BG

e: admin@StJohnVillagePlan.co.uk w: www.stjohnvillageplan.co.uk

St Aubin Residents' Association

The Parish Hall

La Neuve Route

St Brelade

JE3 8BS

e e: staubinra.org.je@gmail.com w: www.staubinra.org.je

Société Jersiaise

7 Pier Road

St Helier

JE2 4XW

e: societe@societe-jersiaise.org w: www.societe-jersiaise.org

National Trust for Jersey

The Trust Office

The Elms

La Cheve Rue

St Mary

JE3 3EN

e: kevans@nationaltrustjersey.org.je w: www.nationaltrustjersey.org.je

Friends of Les Mielles

e: alec.lesueur@jerseymail.co.uk w: www.friendsoflesmielles.org.je

Jersey Farmers' Union

22 Seale Street

St Helier

JE2 3QG

t: (01534) 733581