



Jersey

PLANNING AND BUILDING (MISCELLANEOUS PROVISIONS) (JERSEY) ORDER 2015

Arrangement

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PLANNING AND BUILDING (MISCELLANEOUS PROVISIONS) (JERSEY) ORDER 2015

Made

Coming into force

THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Articles 8, 11, 13, 76, 80, 112, 120 and 124 of the Planning and Building (Jersey) Law 2002, orders as follows –

1 Planning and Building (Application Publication) (Jersey) Order 2006 amended

- (1) In this Article, the “Order” means the Planning and Building (Application Publication) (Jersey) Order 2006.
- (2) In Article 1 of the Order, in paragraph (c) of the definition “by local advertisement”, for the words “the Minister” there shall be substituted the words “the Chief Officer”.
- (3) In Article 2 of the Order –
 - (a) in paragraph (2) the words “by the Minister” shall be deleted;
 - (b) in paragraph (4)(a) the words “from the Minister” shall be deleted; and
 - (c) in paragraph (6) for the words “the Minister” there shall be substituted the words “the Chief Officer”.
- (4) In Article 3(1) of the Order –
 - (a) for the word “11(5)” there shall be substituted the word “11(3)”; and
 - (b) for the words “the Minister” there shall be substituted the words “the Chief Officer”.
- (5) In Article 4 of the Order –
 - (a) in paragraph (1) –
 - (i) the words “to the Minister” shall be deleted, and
 - (ii) in sub-paragraph (a) the words “by the Minister” shall be deleted;

- (b) in paragraphs (4), (5) and (6) for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.
- (6) In Schedule 1, in the form of site notice –
 - (a) in the box headed “FURTHER DETAILS OF THE PROPOSED DEVELOPMENT”, for the words “or on the Planning Department’s website – www.gov.je/PlanningEnvironment” there shall be substituted the words “or via the planning pages on www.gov.je”;
 - (b) for the words “Planning Department” in each remaining place in which they occur there shall be substituted the words “Department of the Environment”; and
 - (c) in the box headed “HOW TO PROVIDE A REPRESENTATION” –
 - (i) in the first sentence the words “the Minister with” shall be deleted, and
 - (ii) in the second sentence for the words “the Minister for Planning and Environment” there shall be substituted the words “the Chief Officer”.

2 Planning and Building (Display of Advertisements) (Jersey) Order 2006 amended

- (1) In this Article, the “Order” means the Planning and Building (Display of Advertisements) (Jersey) Order 2006.
- (2) In Article 1 of the Order –
 - (a) in paragraph (c) of the definition “by local advertisement”, the words “to the Minister” shall be deleted;
 - (b) following the definition “by site display” there shall be inserted the following definition –

“ ‘decision-maker’ means the Chief Officer or, as the case may be, the Planning Applications Committee; and
 - (c) in paragraph (b) of the definition “protected site” for the words “register published by the Minister” there shall be substituted the words “published register”.
- (3) In Article 2 of the Order –
 - (a) in paragraph (1) –
 - (i) the words “of the Minister” shall be deleted,
 - (ii) in sub-paragraph (b) for the words “by the Minister on application made to the Minister” there shall be substituted the words “on an application made to the Chief Officer”; and
 - (b) in paragraph (2) the words “granted by the Minister” shall be deleted.
- (4) In Article 3 of the Order –

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- (a) in paragraph (2) for the words “by the Minister” there shall be substituted the words “by the Chief Officer”;
 - (b) in paragraph (4)(a) the words “from the Minister” shall be deleted; and
 - (c) in paragraph (6) for the words “the Minister” there shall be substituted the words “the Chief Officer”.
- (5) In Article 4(1) of the Order for the words “the Minister” in the each place in which they occur there shall be substituted the words “the Chief Officer”.
- (6) In Article 5 of the Order –
- (a) in paragraph (1) –
 - (i) the words “to the Minister” shall be deleted, and
 - (ii) in sub-paragraph (a) the words “by the Minister” shall be deleted;
 - (b) in paragraphs (4) and (5), for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.
- (7) In Article 6 of the Order for the word “Minister” in each place in which it occurs there shall be substituted the word “decision-maker”.
- (8) In Article 7 of the Order –
- (a) in the heading for the words “Minister may grant permission” there shall be substituted the words “Grant of permission”;
 - (b) in paragraph (1) –
 - (i) for the word “Minister” in the first place in which it occurs there shall be substituted the word “decision-maker”,
 - (ii) the words “made to the Minister” shall be deleted, and
 - (iii) in sub-paragraph (a) the words “from the Minister” shall be deleted; and
 - (c) in paragraph (2) for the word “Minister” there shall be substituted the word “decision-maker”.
- (9) In Article 8 of the Order for the words “The conditions the Minister may attach” there shall be substituted the words “The conditions which may be attached”.
- (10) In Article 9(2) of the Order the words “by the Minister” in each place in which they occur shall be deleted.
- (11) In Article 11(1) of the Order for the words “by the Minister on application made to the Minister.” there shall be substituted the words “by the decision-maker on an application made to the Chief Officer.”.
- (12) In Article 12 of the Order –
- (a) for paragraph (1) there shall be substituted the following paragraph –
 - (1) Permission to display an advertisement (including permission given by Article 10) may be revoked or modified by giving the

- owner of the land on which the advertisement is displayed at least 28 days written notice.”;
- (b) in paragraph (4) –
 - (i) for the words “Articles 27(5) to (10) and 116” there shall be substituted the words “Articles 27(6) to (10) and 108”, and
 - (ii) for the words “by the Minister to revoke or modify his or her permission” there shall be substituted the words “to revoke or modify permission”.
- (13) In Schedule 2, in the form of site notice –
- (a) in the box headed “FURTHER DETAILS OF THE PROPOSED DEVELOPMENT”, for the words “or on the Planning Department’s website – www.gov.je/PlanningEnvironment” there shall be substituted the words “or via the planning pages on www.gov.je”;
 - (b) for the words “Planning Department” in each remaining place in which they occur there shall be substituted the words “Department of the Environment”; and
 - (c) in the box headed “HOW TO PROVIDE A REPRESENTATION” –
 - (i) in the first sentence the words “the Minister with” shall be deleted, and
 - (ii) in the second sentence for the words “the Minister for Planning and Environment” there shall be substituted the words “the Chief Officer”.

3 Planning and Building (Environmental Impact) (Jersey) Order 2006 amended

In Articles 3, 4 and 6 of the Planning and Building (Environmental Impact) (Jersey) Order 2006, for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

4 Planning and Building (Fees) (Jersey) Order 2008 amended

- (1) In this Article, the “Order” means the Planning and Building (Fees) (Jersey) Order 2008.
- (2) In Article 3 of the Order the words “granted by the Minister” shall be deleted.
- (3) After Article 4 of the Order there shall be inserted the following Article –

“4A Fees in respect of appeals

The fee to accompany a notice of appeal under Part 7 of the Law is the fee prescribed in accordance with the table set out in Schedule 3.”.

- (4) At the end of the Order after Schedule 2 there shall be added the following Schedule –

“SCHEDULE 3

(Article 4A)

FEES TO ACCOMPANY A NOTICE OF APPEAL

ITEM	DESCRIPTION OF APPEAL (AND PROVISION OF LAW UNDER WHICH IT IS MADE)	Fee (£)
1	<p>APPEAL AGAINST REFUSAL OR DEEMED REFUSAL OF APPLICATION FOR PLANNING PERMISSION (Article 108(2)(b) and (c))</p> <p>(including application for permission for development which has already taken place)</p> <p>– for major development</p> <p>– for minor development</p> <p>NOTE: “major development” is defined as:</p> <ul style="list-style-type: none"> • Residential development of 1 unit or above. • New non-residential development. • Non-residential extensions or structures of more than 250 square metres floor space. • Any development of mixed residential and non-residential use. • Any change of use of land or buildings. • Any installation of wind turbines or telecom masts. • Any application requiring an Environmental Impact Assessment. • Demolition. • Creation of reservoirs or outdoor recreation areas. • Works of mineral extraction, earthworks and similar infrastructure projects. <p>Any development which is not major development is minor development.</p>	<p>300</p> <p>100</p>
2	APPEAL AGAINST IMPOSITION OF CONDITION OR REFUSAL TO VARY OR REMOVE CONDITION (Article 108(2)(d))	100
3	APPEAL AGAINST GRANT OF PLANNING PERMISSION (Article 108(2)(a))	300
4	<p>OTHER APPEALS:</p> <p>A) AGAINST THE LISTING OF A BUILDING OR PLACE, OR REFUSAL TO REMOVE A BUILDING OR PLACE FROM THE LIST (Article 108(2)(h) and (i))</p> <p>B) AGAINST THE LISTING OF A TREE OR REFUSAL TO</p>	100

	REMOVE A TREE FROM THE LIST (Article 108(2)(l))	
C)	AGAINST THE SERVICE OF A NOTICE REQUIRING ACTION INCLUDING AN ENFORCEMENT NOTICE (Article 109)	
D)	AGAINST A REFUSAL TO GRANT PERMISSION UNDER BUILDING BYE-LAWS (Article 108(2)(g))	
E)	AGAINST A REFUSAL TO GRANT A CERTIFICATE OF COMPLETION (Article 108(2)(f))	
F)	AGAINST A REFUSAL TO GRANT PERMISSION TO UNDERTAKE OPERATIONS OR MAKE CHANGE OF USE OR UNDERTAKE ACTIVITIES ON, IN OR UNDER A SITE OF SPECIAL INTEREST (Article 108(2)(j) and (k))	
G)	AGAINST A REFUSAL TO GRANT PERMISSION FOR THE IMPORTATION OR USE OF A CARAVAN (Article 108(2)(n))	
H)	AGAINST THE REVOCATION OR MODIFICATION OF ANY PLANNING PERMISSION (Article 108(2)(e)) ”	

5 Planning and Building (Moveable Structures) (Jersey) Order 2006 amended

- (1) In this Article, the “Order” means the Planning and Building (Moveable Structures) (Jersey) Order 2006.
- (2) In Article 1 of the Order –
 - (a) in paragraph (c) of the definition “by local advertisement”, the words “to the Minister” shall be deleted;
 - (b) after the definition “by site display” there shall be inserted the following definition –

“ ‘decision-maker’ means the Chief Officer or, as the case may be, the Planning Applications Committee;”.
- (3) In Article 3 of the Order –
 - (a) in paragraph (1) for the word “Minister” there shall be substituted the word “decision-maker”; and
 - (b) in paragraph (2) for the words “for the permission of the Minister must be made to the Minister” there shall be substituted the words “for permission must be made to the Chief Officer”.
- (4) In Article 4 of the Order –
 - (a) in paragraph (2) for the words “by the Minister” there shall be substituted the words “by the Chief Officer”;
 - (b) in paragraph (4)(a) the words “from the Minister” shall be deleted; and
 - (c) in paragraph (6) for the word “Minister” there shall be substituted the words “Chief Officer”.
- (5) In Articles 5 and 6 of the Order, for the word “Minister” in each place in which it occurs there shall be substituted the words “Chief Officer”.

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- (6) In Article 7 of the Order –
- (a) in paragraph (1) –
 - (i) for the word “Minister” there shall be substituted the word “decision-maker”,
 - (ii) in sub-paragraph (a) for the words “to him or her” there shall be substituted the words “to the Chief Officer”; and
 - (b) in paragraph (2) for the word “Minister” there shall be substituted the word “decision-maker”.
- (7) In Article 8 of the Order for the word “Minister” there shall be substituted the word “decision-maker”.
- (8) In Article 9 of the Order –
- (a) in the heading for the words “Minister may grant permission” there shall be substituted the words “Grant of permission”;
 - (b) in paragraph (1) –
 - (i) for the word “Minister” in the first place in which it occurs there shall be substituted the word “decision-maker”,
 - (ii) for the words “to the Minister” there shall be substituted the words “to the Chief Officer”,
 - (iii) in sub-paragraph (a) the words “from the Minister” shall be deleted; and
 - (c) in paragraph (2) for the word “Minister” there shall be substituted the word “decision-maker”.
- (9) In Article 10 of the Order –
- (a) in paragraph (1) for the word “Minister” there shall be substituted the word “decision-maker”;
 - (b) in paragraph (4) –
 - (i) for the words “Articles 27(5) to (10) and 116” there shall be substituted the words “Articles 27(6) to (10) and 108”, and
 - (ii) for the words “by the Minister to revoke or modify his or her permission” there shall be substituted the words “to revoke or modify permission”.

6 Citation and commencement

This Order may be cited as the Planning and Building (Miscellaneous Provisions) (Jersey) Order 2015 and shall come into force on the day after the day on which it is made.

Signed.....

Date.....

Minister for Planning and Environment

