

06 January 2016

Use of Planning Obligation Agreements

Well planned development can deliver great benefit to the Island by providing the homes, workplaces and other facilities that we all need in a modern society. Development can, however, also place a burden or cost onto the community as a result of the additional demand that it might place on local infrastructure and amenities. Planning obligation agreements are a tool that is available, as part of the planning system, to ensure that these potential impacts of new development are more fairly borne by the developer, rather than the taxpayer, where it is reasonable and appropriate to do so.

Planning obligation agreements have been increasingly used in Jersey, since the early 2000s, to offset or mitigate some of the direct impacts of development on the community through the planning process. They are binding legal agreements, usually between the Minister of the Environment and a developer, and they have helped to deliver a range of facilities and services so that local infrastructure can better cope with the impact of development. Examples of facilities and services provided through the use of planning obligation agreements has included the upgrading of local surface water and foul sewerage infrastructure; the provision of bus shelters; local traffic calming; and contributions to the cost of running public transport. A full register of those obligations entered into is available on the States website:

<http://www.gov.je/government/departments/planningenvironment/pages/planningobligationagreements.aspx>

To ensure that the impact of development upon the local community is more comprehensively considered and addressed as part of the planning application process, the Minister for the Environment is seeking to ensure that planning obligation agreements are increasingly used to offset or mitigate the pressures that new development can create for an area. In the Island's urban areas in particular, local transport infrastructure and the public realm may already be at capacity or in need of enhancement, and where development may have a direct impact on

these facilities, planning obligations will be used, where it is appropriate and proportionate to do so, to deliver improvements to the capacity or quality of local infrastructure.

Against the context of the Council of Ministers' strategic priority to regenerate St. Helier, planning obligation agreements will be used to help ensure that the impact of development on the public realm is offset through the delivery or private funding of improvements. This should result in, for example, the delivery of improved facilities for pedestrians and cyclists; the delivery of environmental improvements in town streets and spaces; and the creation or enhancement of public space.

The Department of the Environment will be working with, in particular the Transport and Technical Services Department and the Parish of St. Helier, to ensure that the community impact of development is comprehensively assessed as an integral part of the assessment of planning applications.

The Minister for the Environment will be preparing revised supplementary planning guidance to support a more robust use of planning obligation agreements in the New Year.

ENDS

For further information, contact

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Background

A planning obligation agreement is a legally-binding agreement between parties with an interest in a development to ensure that the community impacts of that development are offset or mitigated.

They are made under the auspices of Article 25, Planning and Building (Jersey) Law and supported by Revised 2011 Island Plan Policy GD4 and supplementary planning guidance '*The Use of Planning Obligations*' (August 2008).

The tests applied before entering into a POA are that they ought to be:

- necessary (to make a development acceptable in planning terms)
- relevant to planning
- directly related to the proposed development
- fairly and reasonably related in scale and kind
- reasonable in all other respects