

STATES OF JERSEY



STATES BUSINESS PLAN 2006 – 2010 (P.151/2005): SECOND AMENDMENT

**Lodged au Greffe on 30th August 2005
by Deputy C.J. Scott Warren of St. Saviour**

STATES GREFFE

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At the end of paragraph (b)(i), after the words “in 2006” insert the words “except that the cash limit of the Environment and Public Services Committee shall be increased by £45,000, the cash limit of the Finance and Economics Committee shall be increased by £125,000, and the cash limit of the Policy and Resources Committee shall be reduced by £170,000.”

DEPUTY C.J. SCOTT-WARREN OF ST. SAVIOUR

REPORT

At the time of the original debate of the Draft Planning and Building (Jersey) Law 200- (P.50/2001), I successfully brought amendments to enable a full third party right of appeal. The individual would be required to write a letter of objection prior to the decision being taken, and the appeal was to have been made to the Planning and Building Appeals Commission, within a specified timeframe. Following my amendments to P.50/2001 it became clear that a full-scale right of appeal for third parties would be so costly to administer in terms of the necessary additional resources (manpower, time and resultant costs), that it would never be implemented.

The decision to establish the Appeals Commission has since been overturned by the States in favour of appeals to the Royal Court. It is envisaged that a new system will be introduced for appeals in the Royal Court, without the need for advocates to be present.

This year I was successful in my amendments (P.47/2005) to change this full-scale provision to a limited third party right of appeal. As before, the third party will be required to have previously made a submission to the Committee in respect of the application. The amendments also specify that any such person must have an interest in property any part of which is within 50 metres of any part of the site to which the planning permission relates.

The week before the debate on my amendments to P.47/2005, the President of the Environment and Public Services Committee asked me during a telephone conversation to drop the amendments, on the grounds that the Committee was about to look into this issue and would be likely to lodge similar amendments during the year. Unfortunately I could not accept this assurance, as the President of the Committee had indicated to me during the same conversation that he did not support the concept of a third party right of appeal.

My concern about the will of the Committee to implement a limited third party right of appeal is still borne out by the fact that whilst there will be funds forthcoming for applicants to appeal to the Royal Court, no money has been earmarked for third party appeals. Therefore, justice can, and will, be done for applicants but will continue to be denied for third parties.

Whilst I believe many members were concerned about the possible deterrent effect of appeals to the Royal Court, I do not think it has been fully appreciated that the original aim of making the appeals process more accessible to all genuinely aggrieved persons has, at least for the time being, been seriously compromised.

I am extremely concerned to discover that at present there are only on average 8 appeals by applicants to the Royal Court per annum. The Director of Planning estimates 9 as being the median number of third party appeals under the existing Royal Court rules. To implement the decision for limited third party appeals a further £45,000 will be required for the Environment and Public Services Committee. This will allow the Committee to employ another Planner to act in an assisting role with appeals. In addition, it is estimated that the Finance and Economics Committee will need an additional amount of £125,000 to cover the Law Officers' time.

In order to bring into effect a limited third party right of appeal I am asking members to support an increase of £45,000 to the Environment and Public Services Committee's cash limit and an increase of £125,000 to the Finance and Economics Committee. I ask members to request the Policy and Resources Committee to identify savings of £170,000 to its own cash limit.

I ask members to support this amendment.