

STATES OF JERSEY



PLANNING APPEALS: REVISED SYSTEM (P.87/2013) – SECOND AMENDMENT

**Lodged au Greffe on 27th August 2013
by Deputy R.G. Le Hérissier of St. Saviour**

STATES GREFFE

PLANNING APPEALS: REVISED SYSTEM (P.87/2013) – SECOND
AMENDMENT

PAGE 2, NEW PARAGRAPH –

After paragraph (a) insert a new paragraph as follows –

- “(b) to agree that, notwithstanding the introduction of the new appeal system, the current system of ‘requests for reconsideration’ shall also be continued for decisions made by planning officers under delegated powers, with the reconsideration of the application being undertaken by the Planning Applications Panel whose decision in these cases shall be final (subject always to the normal appeal process);”

and renumber the remaining paragraphs.

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

REPORT

Introduction

Although I support a revised appeal system as set out in P.87/2013 Amd., I believe that the Planning Applications Panel should retain its role as the body which hears “appeals” from officers’ delegated decisions. These are termed “Requests for Reconsideration” (RFRs).

It is a *de facto* system of appeal which is “free” to the applicant and is relatively uncomplicated. There is a strange quirk to the system in that if the Panel recommends that an officer’s decision be overturned, the Department can choose to bring the matter to the Minister who, as the ultimately accountable person, can reject the Panel’s recommendation. Again, this is an example of the attenuated decision-making process in Planning, and one that perplexes and frustrates applicants who thought they had jumped over 2 major hurdles – officer and Panel. They then find that the Minister becomes involved as the third body or person. I am proposing that the RFR to the Panel remains, but that its decision is final, subject to the Appeals procedure under P.87/2013 Amd., which I support.

Financial and manpower implications

I believe the retention of the Panel as the RFR body could reduce the costs proposed in P.87/2013 Amd. as applicants, as now, will prefer the RFR route and, as now, accept that their applications are being subject to a fresh review.

In my view this retains the best of a relatively fast and uncomplicated review “appeal” process and could ensure that the independent Planning Appeals Tribunal is not overburdened with appeals and, therefore, may be less costly than anticipated.