

STATES OF JERSEY



DRAFT PLANNING AND BUILDING (AMENDMENT No. 2) (JERSEY) LAW 200 (P.47/2005): AMENDMENTS (P.47/2005 AMD.)– COMMENTS

**Presented to the States on 19th April 2005
by the Environment and Public Services Committee**

STATES GREFFE

COMMENTS

Unlike its predecessors, the present membership of the Environment and Public Services Committee supports the principle of third party appeals, in some form. Indeed, the President has given an undertaking to the States Assembly that the Committee would conduct consultation on the principle of a limited form of third party appeal, such as that proposed in the Deputy's amendment, and further research on the costs and manpower implications of third party appeals as they exist in the 2002 Law and as the Deputy proposes.

The Committee cannot support the amendment in the absence of this information and without considering the outcome of consultation on whether a limited third party appeal provision is generally acceptable to the community. Furthermore, the Committee strongly believes that the question of third party appeals is far too significant an issue to be considered on the back of the relatively minor matter of its own amendment.

The Committee is shortly to commence its consultation. This will involve seeking the views of the development industry, the legal profession, the wider community and States Members. It had expected to complete this and lodge its own amendment in May or June and request a debate before the end of the session, if it concludes that a more limited form of third party appeal is appropriate.

Since the States approval in December 2004 of the amendment to the Law replacing the Planning and Building Appeals Commission with the Royal Court as the appellate body, earlier assessments of financial and manpower implications are no longer relevant or appropriate. The current implications are unclear, and at this short notice, it has not been possible to quantify what they might be.

The Deputy's amendment contains no statement of resource implications.

Deputy Scott Warren's proposition is fundamental to the Planning system. It has not been consulted on neither has it been researched in depth. The States must be informed of the financial implications before making a decision.

The Committee reminds the States that the previous Law, whilst it was passed in June 2001 and registered in November 2002, remains unimplemented due to the resources not being made available in successive resource allocation processes. Even if the amendment was acceptable and costed – the resources to implement it would need to be found within the States resource allocations procedures.

Regrettably, the Committee has to strongly oppose the amendment at this stage, but repeats its undertaking to bring a fully-costed proposition on a form of limited third-party appeal to the Assembly as soon as possible, if it concludes that a more limited form of third party appeal is acceptable to the community.