

**QUESTION TO BE ASKED OF THE PRESIDENT OF THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE ON TUESDAY 8th JULY 2003, BY THE DEPUTY OF ST. JOHN**

**Question**

Would the President inform members whether the Health and Safety Inspectorate was consulted in relation to the design of the balconies of the Waterfront flats prior to planning permission being granted and whether the issues of privacy and decency were addressed at that stage, and, if not, the reasons why?

**Answer**

I understand that the question primarily concerns the floors of the balconies, which are of timber slats.

When the application was submitted, the Health and Safety Inspectorate of the Employment and Social Security Department were not consulted in relation to the design of the balconies by the Planning Department, because there was no reason to do so. Health and Safety's predominant rôle is safety in the workplace. Its officers do receive copies of the lists of applications and would have had the opportunity of viewing the plans and putting forward any pertinent comments, if they wished. However, they have informed us, in researching this answer, that they would have had no interest in this matter.

As far as the building control assessment of the balconies is concerned, structurally they are safe and meet the building bye-laws.

As for the planning assessment, issues of privacy are considered only in respect of the impact of a development on the amenities of surrounding properties. 'Decency' has never been a criterion against which applications are assessed.

On this development, the applicant chose to have balconies with timber slats. There were no reasons why 'in the best interests of the community' (extract from Article 2 of the Island Planning Law (Jersey) 1964 – 'Purposes of the Law') the applicant should not have been entitled to construct them in that way.