

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 24th SEPTEMBER 2019**

**Question**

Further to his answer to Written Question 367/2019 on 10th September 2019, is the Minister aware of any occasions when a landlord or developer has placed site notices in positions on their land far enough away from public access that the locations have prevented any meaningful detailed public scrutiny of the notices and thereby prevented people from making objections to the planning application in question; is it his assessment that that any such practice should invalidate any grant of planning consent and if not, why not?

**Answer**

It is one of the requirements of the Planning and Building (Applications Publication) (Jersey) Order 2006 (“the 2006 Order”), that an applicant submits a certificate, together with photographic evidence, declaring that they have complied with the requirements of the Order. These are checked by Planning Officers. Officers will also routinely check the location of site notices during their site visits.

The department does, from time to time, receive complaints that site notices are not adequately displayed. These are checked and, if the display is found to be inadequate, the applicant is required to amend it.

Article 2(3) of the 2006 Order requires the applicant to give “*requisite notice by site display in at least one place on or near to the land or building to which the application relates.*” The 2006 Order defines “by site display” to mean “*the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public.*”

The display of site notices is just one of the methods of publication for planning applications. A notice is placed in the Jersey Evening Post each Tuesday; a list is published in the Jersey Gazette (online) each week; and Islanders can subscribe to the online notification system on the Planning Register, with a MyGov account. This system sends alerts each time an application is received within a particular geographic area.

Because of the variety of publication methods, I am not aware of any occasion where a failure to display a site notice correctly has prevented people from making objection to a planning application.

In the hypothetical example highlighted by the Deputy, it would not be clear cut whether this alone would be sufficient to invalidate a grant of planning permission. The facts of each case would need to be carefully considered. Even on the basis of the way that the question has been put, it would be a question of fact as to whether the location of the site notice “*prevented any meaningful detailed public scrutiny*” as to whether it was “*on or near to the land or building to which the application relates*” and “*sited and displayed in such a way as to be easily visible and legible by members of the public.*”

Whilst the Planning and Building (Jersey) Law, 2002 (“the 2002 Law”), requires that planning applications are properly publicized prior to determination, it is silent on what action should be taken if those requirements are not met. The 2006 Order does, however, provide that for the purposes of Article 10 of the 2002 Law the site notification requirements are part of the application for planning permission. Article 10 of the 2002 Law empowers the Chief Officer to revoke or modify a planning permission if when making an application for planning permission a person knowingly or recklessly makes a false or misleading statement or representation or a statement or representation with a material omission.