

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY T.A. COLES OF ST. HELIER SOUTH
QUESTION SUBMITTED ON MONDAY 13th NOVEMBER 2023
ANSWER TO BE TABLED ON MONDAY 20th NOVEMBER 2023**

Question

“Will the Minister advise how a planning application decision made following an independent planning inspector review can be appealed, and how the planning process allows for revised proposals and plans to be considered?”

Answer

Following an independent planning inspector review of an appeal made under Article 108, 109, 110 or 111 of the Planning and Building (Jersey) Law 2002, the inspector makes a recommendation to the Minister. Under Article 116(1) and (2) of the Law, the Minister shall determine the appeal, and may

- (a) allow the appeal in full or in part;
- (b) refer the appeal back to the inspector for further consideration of such issues as the Minister shall specify;
- (c) dismiss the appeal; and
- (d) reverse or vary any part of the decision-maker’s decision.

Under Article 116(5), no further appeal shall lie from the Minister’s determination except to the Royal Court on a point of law. Such an appeal must be made within 28 days beginning with the date of the determination. On hearing the appeal, the Royal Court may –

- (a) confirm the determination of the Minister wholly or in part;
- (b) quash the determination of the Minister wholly or in part;
- (c) remit the determination, wholly or in part, to the Minister to be retaken.

A person aggrieved by a decision may appeal against that decision, thus an appeal is a review of the decision, and not an opportunity to revise or amend the proposal.

Revisions and amendments to applications can occur for a variety of reasons and are explained on a published webpage gov.je [Revised planning applications and minor amendments \(gov.je\)](https://www.gov.je/Revised-planning-applications-and-minor-amendments)

Very minor amendments to approved schemes that are insubstantial and do not materially change the terms of the permission may be agreed in writing on behalf of the Chief Officer. Revisions to approved schemes that are more substantial may require a new planning application, referred to as a revised plans application. Applications which have been previously refused cannot be revised or amended, and thus new proposals which address the reasons for refusal would require a new planning application.