WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND REGULATION
BY DEPUTY H.L. JEUNE OF ST. JOHN, ST. LAWRENCE AND TRINITY
QUESTION SUBMITTED ON MONDAY 9th NOVEMBER 2026
ANSWER TO BE TABLED ON MONDAY 16th NOVEMBER 2026

Question

"Will the Minister explain how the revised Planning Applications Validation Requirements, introduced in July 2026, apply to residential development proposals adjacent to existing businesses and, in particular –

(a) what information would be required to assess potential noise impacts on, and from, neighbouring businesses and potential daylight or overshadowing impacts on neighbouring land, including land in horticultural or agricultural use, for which BRE daylight guidance was not designed;
(b) whether noise impact assessments and daylight/overshadowing assessments would normally be required at validation stage for such proposals and, if not, what alternative evidence would be considered;
(c) at which stage of the planning process such impacts would be assessed and whether responsibility for identifying them rests with the applicant, planning officers, consultees or affected neighbours;
(d) what protection current planning policy, and statutory nuisance law, provide to existing businesses from complaints arising from neighbouring residential development; and
(e) how the six-month review of the revised validation checklist will monitor and report cases where impacts on neighbouring businesses were not identified before a planning decision was made?"

Answer

(a) To address concerns relating to noise, a noise assessment may be requested. To address concerns relating to loss of light, a daylight and sunlight assessment may be requested. The BRE guidance (officially titled *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*, 2022) does address non-residential buildings and the overshadowing of open spaces, although this is primarily concerned with gardens, amenity spaces and open spaces used by people. Where specific concerns are raised by consultees, neighbours or affected parties during the course of the planning application procedures, the planning authority may (and regularly does) request further information from applicants pursuant to Article 9(6) of the Planning and Building (Jersey) Law 2002 in order to address concerns or assist with the appropriate assessment of the application and associated details, and possible impact of development on neighbouring properties, which is not limited to residential uses.

(b) Such documents are not routinely required in terms of the current (or previous) validation checklist. As stated above, where considered necessary such information may be requested by the Chief Officer (or usually their delegate, the assigned planning officer) under Article 9(6) of the Law, where considered necessary to address concerns or objections and to assist in the decision-making process.

(c) Ideally, these matters should be identified by the applicant (or their agent) before an application is submitted. They are also often identified through pre-application discussions between the planning officer and applicant. However, where potential impacts have not been identified by the applicant or through pre-application engagement, they will be identified by the planning officer during the assessment of the application, and the public consultation that forms a statutory part of the planning application process creates the opportunity (and important back-stop) for affected and interested parties to bring specific concerns or reasons for objection to the attention of the planning officer, which may result in further detailed information being requested.

(d) The Bridging Island Plan provides protection for established businesses through the application of the 'agent of change' principle. Policy ER4 specifically applies this principle where new

development is proposed in proximity to existing noise or other nuisance-generating daytime and evening economy uses, including theatres, music venues, restaurants, public houses, bars and nightclubs. In such circumstances, responsibility rests with the new development to demonstrate that potential impacts have been properly considered and, where necessary, appropriately mitigated. This may include sensitive design, appropriate separation or acoustic measures to protect new occupiers without unreasonably constraining the continued operation of the established use.

For other existing business uses, Policy GD1 provides a broader basis for considering the relationship between new development and neighbouring uses, including whether occupiers would be exposed to unreasonable effects from noise, light or other emissions. The planning process can, therefore, take account of the characteristics of an established neighbouring business and whether the proposed development has been designed appropriately in response.

Statutory nuisance legislation provides a separate regime. The Statutory Nuisances (Jersey) Law 1999 applies where matters such as noise, artificial light, fumes, dust or smells amount to a statutory nuisance, including emissions arising from industrial, trade, agricultural or business premises. This legislation does not, however, confer general immunity on an existing business simply because it was established before neighbouring residential development. The planning system, therefore, has an important preventative role in ensuring that new residential development is appropriately designed and mitigated so as to minimise the potential for conflict with established lawful businesses.

(e) The purpose of the validation checklist is not to identify planning impacts. Rather, it is intended to set out the minimum information required for the Planning Department to understand the nature of the development proposed and to register a valid planning application. As there have been no changes to the validation requirements in relation to these matters, they are not proposed to form part of the six-month review.