

**PUBLIC SAFETY ZONE - COMPENSATION FOR
DEVELOPMENT REFUSAL (P-71/83): REPORT.**

Presented to the States on 5th June, 1984
by the Island Development Committee.



STATES OF JERSEY

STATES GREFFE

REPORT

Introduction

1. The States, on 24th May, 1983, referred to the Island Development Committee a Proposition (P-71) by Deputy M.W. Bonn which reads as follows -

"to instruct the Island Development Committee to prepare a report on the possibility of paying compensation to owners of properties situated in the Public Safety Zone when legitimate plans for development of the properties are refused by the Committee because they are situated in the Zone, but to be payable only in such cases where the development would have been approved if the property had been situated in what would have been a similar planning zone as approved by the States before the introduction of the Public Safety Zone."

Report

2. The Island Development Committee has considered the above Proposition and would inform the States that it is wholly incompatible with a fundamental principle of planning administration.

3. This principle is that property rights existing at the time when the property in question became subject to planning control, are protected. But there is no right to carry out any new development. It flows from this latter principle that there is no right to compensation for a failed planning application. The underlying assumption is that the planning system is intended to ensure a reasonable environment for the community, and that there will be occasions when the public interest must over-ride private rights.

4. The Public Safety Zone conforms with this principle inasmuch as it leaves intact existing use rights, and only controls new development where there is potential danger to aircraft operations or the occupants of properties. The payment of compensation for the exercise of such control would be contrary to the principle outlined above.

5. In this respect the occupants of properties in the Public Safety Zone are in no different a situation from the owners of properties in the White and Green Zones whose

rights to develop their properties are circumscribed by the rules applying to those two Zones. Any requirement to pay compensation for a failed planning application in any of these or other controlled areas could even lead to spurious applications simply to obtain compensation if rejected.

Recommendation

6. The Committee therefore recommends the States not to approve Projet 71.