



Jersey

**PLANNING AND BUILDING  
(ENVIRONMENTAL IMPACT) (JERSEY)  
ORDER 2006**

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## PLANNING AND BUILDING (ENVIRONMENTAL IMPACT) (JERSEY) ORDER 2006

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Jersey

## **PLANNING AND BUILDING (ENVIRONMENTAL IMPACT) (JERSEY) ORDER 2006**

**THE MINISTER FOR PLANNING AND ENVIRONMENT**, in pursuance of Article 13 of the Planning and Building (Jersey) Law 2002<sup>1</sup>, orders as follows –

Commencement [[see endnotes](#)]

### **1 Interpretation**

- (1) In this Order, unless the context otherwise requires –
- “environmental impact statement”, in respect of any proposed development, means a statement compiled by a person with the relevant qualifications and experience –
- (a) that includes such of the information mentioned in Part 1 of Schedule 2 as is reasonably required to assess the environmental affects of the proposed development that the person compiling the assessment can reasonably be required to provide having regard to current knowledge and methods of assessment; but
- (b) that includes at least the information mentioned in Part 2 of Schedule 2;
- “Law” means the Planning and Building (Jersey) Law 2002<sup>2</sup>.

### **2 Prescribed development requiring an environment impact statement**

- (1) Except as provided by paragraph (2), proposed development specified in column 1 of Schedule 1 is prescribed development for the purpose of Article 13(1)(a) of the Law.
- (2) If a qualifying criterion is specified in column 2 in respect of any proposed development, it is not prescribed development for the purpose of Article 13(1)(a) of the Law unless it meets that criterion or, if more than one criterion is specified in column 2, at least one such criterion.

- (3) Where proposed development mentioned in paragraph (1) is already authorised, executed or in the process of being executed, a change or extension of the development is also prescribed development for the purpose of Article 13(1)(a) of the Law.
- (4) Development mentioned in paragraph (1) or paragraph (3) is not prescribed development for the purpose of Article 13(1)(a) of the Law if the Minister is satisfied that by virtue of factors such as the nature, size or location of the proposed development it would be unlikely, if carried out, to have a significant effect on the environment, either of Jersey or elsewhere.

### **3 Minister may indicate if environmental impact statement required**

A person minded to apply for planning permission may request the Minister to indicate –

- (a) if the proposed development is within a class of development specified in Schedule 1;
- (b) if Article 2(3) would apply in respect of the development; or
- (c) if, because of factors such as the nature, size or location of the proposed development, the Minister will require an environmental impact statement to be provided in accordance with Article 13(1)(b) of the Law.

### **4 Minister may indicate scope of environment impact statement.**

A person minded to apply for planning permission where the applicant must provide the Minister with an environmental impact statement, may request the Minister to indicate the information to be provided in the statement.

### **5 Form of request**

A request under Article 3 or Article 4 must be accompanied by –

- (a) a plan sufficient to identify the land; and
- (b) a brief description of the nature and purpose of the proposed development and its possible effects on the environment,

and may contain such other information or representation as the person making the request may wish to provide or make.

### **6 Minister not bound**

The Minister is not bound by any indication given by the Minister on an application made in accordance with Article 3 or Article 4.

### **7 Citation**

This Order may be cited as the Planning and Building (Environmental Impact) (Jersey) Order 2006.

**SCHEDULE 1**

(Article 2(1))

**DESCRIPTIONS OF DEVELOPMENT IN RESPECT OF WHICH AN  
ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED**

<i>Column 1</i>	<i>Column 2</i>
<b>Proposed development</b>	<b>Qualifying criteria</b>
<b>1 Agriculture</b>	
(1) To change the use of uncultivated or semi-natural land to use for an intensive agricultural purpose.	The area of the land exceeds 0.5 hectares.
(2) To develop a water-management project for agriculture, including irrigation or land drainage project.	The area of the project exceeds 0.5 hectares.
(3) To construct or install an intensive livestock installation.	The area of the installation exceeds 0.5 hectares.
(4) To develop or construct an installation to rear of fish.	The area of the installation exceeds 0.5 hectares.
<b>2 Extractive industry</b>	
(1) To extract peat.	
(2) To carry out deep drilling, including, in particular – (a) geothermal drilling, (b) drilling for the storage of nuclear waste material, (c) drilling for water supplies, but excluding drilling to investigate the stability of the soil.	
(3) To extract minerals (other than metalliferous and energy-producing minerals) including, in particular, marble, sand, gravel, shale, salt, phosphates and potash.	

<i>Column 1</i>	<i>Column 2</i>
(4) To extract coal or lignite, whether by underground or open-cast mining.	
(5) To extract petroleum.	
(6) To extract natural gas.	
(7) To extract ores.	
(8) To extract bituminous shale.	
(9) To extract minerals (other than metalliferous and energy-producing minerals) by open-cast mining.	
(10) To extract minerals by fluvial or marine dredging, except maintenance dredging.	
(11) To develop a surface industrial installation for the extraction of coal, petroleum, natural gas or ores or bituminous shale.	
(12) To install a coke oven for the dry distillation of coal.	
(13) To construct an installation for the manufacture of cement.	
<b>3 Energy industry</b>	
(1) To construct a power station or an installation for the production of electricity, steam or hot water, not being a domestic scale solar panel or wind turbine.	
(2) To construct an industrial installation – (a) to carry gas, steam or hot water; or (b) to transmit electrical energy by overhead cables.	
(3) To construct an installation for the surface storage of natural gas.	<p>(1) The area of any new building or structure exceeds 500 square metres.</p> <p>(2) The installation will be sited within 100 metres of a stream, pond or reservoir.</p>



<i>Column 1</i>	<i>Column 2</i>
(4) To store combustible gas underground.	<p>(1) The area of any new building or structure or of the storage area exceed 500 square metres.</p> <p>(2) The storage area will be sited within 100 metres of a stream, pond or reservoir.</p>
(5) The surface storage of fossil fuel.	<p>(1) The area of any new building or structure, or of the deposit exceed 500 square metres.</p> <p>(2) The deposit will be sited within 100 metres of a stream, pond or reservoir.</p>
(6) The provision of an installation for the industrial briquetting of coal or lignite.	
(7) The construction or change of use of an installation for the production or enrichment of nuclear fuels.	
(8) The construction or change of use of an installation for the reprocessing of irradiated nuclear fuels.	
(9) The construction or change of use of an installation for the collection or processing of radioactive waste.	
<b>4 Production and processing of metals</b>	
(1) The construction of an ironworks or steelworks, including a foundry, forge, drawing plant or rolling mill.	
(2) The construction or change of use of an installation for the production (including smelting, refining, drawing and rolling) of non-ferrous metals, other than precious metals.	
(3) The construction or change of use of an installation for the pressing, drawing or stamping of large castings.	

<i>Column 1</i>	<i>Column 2</i>
(4) The construction or change of use of an installation for the surface treatment and coating of metals.	
(5) The construction or change of use of an installation for boilermaking or manufacturing reservoirs, tanks and other sheet-metal containers.	
(6) The construction or change of use of an installation for manufacturing or assembling motor vehicles or manufacturing motor-vehicle engines.	
(7) The construction or change of use of an installation for use as a shipyard.	
(8) The construction or change of use of an installation for the construction or repair of aircraft.	
(9) The construction or change of use of an installation for the manufacture of railway equipment.	
(10) The construction or change of use of an installation for swaging by explosives.	
(11) The construction or change of use of an installation for roasting or sintering metallic ores.	
<b>5 Glass making</b>	
The construction or change of use of an installation for the manufacture of glass.	
<b>6 Chemical industry</b>	
(1) The construction or change of use of an installation for the treatment of intermediate products and the production of chemicals.	
(2) The construction or change of use of an installation for the production of pesticides or pharmaceutical products, paints or varnishes, elastomers or peroxides.	

<i>Column 1</i>	<i>Column 2</i>
(3) The construction or change of use of an installation for the storage of petroleum or petrochemical or chemical products.	
<b>7 Food industry</b>	
(1) The construction or change of use of an installation for the manufacture of vegetable or animal oils or fats.	The new floor area of the installation exceeds 1000 square metres.
(2) The construction or change of use of an installation for the packing or canning of animal products.	The new floor area of the installation exceeds 1000 square metres.
(3) The construction or change of use of an installation for the manufacture of dairy products.	The new floor area of the installation exceeds 1000 square metres.
(4) The construction or change of use of an installation for brewing or malting.	The new floor area of the installation exceeds 1000 square metres.
(5) The construction or change of use of an installation for confectionery or syrup manufacture.	The new floor area of the installation exceeds 1000 square metres.
(6) The construction or change of use of an installation to be used to slaughter animals.	The new floor area of the installation exceeds 1000 square metres.
(7) The construction or change of use of an installation to manufacture industrial starch.	The new floor area of the installation exceeds 1000 square metres.
(8) The construction or change of use of an installation for use as a fish-meal or fish-oil factory.	The new floor area of the installation exceeds 1000 square metres.
(9) The construction or change of use of an installation for use as a sugar factory.	The new floor area of the installation exceeds 1000 square metres.
<b>8 Textile, leather, wood and paper industries</b>	
(1) The construction or change of use of an installation for use as a wool scouring, degreasing or bleaching factory.	The area of new floor space of the installation exceeds 1000 square metres.
(2) The construction or change of use of an installation to manufacture fibre board,	The area of new floor space of the installation exceeds 1000 square

<i>Column 1</i>	<i>Column 2</i>
particle board or plywood.	metres.
(3) The construction or change of use of an installation to manufacture pulp, paper or board.	The area of new floor space of the installation exceeds 1000 square metres.
(4) The construction or change of use of an installation for use as a fibre-dyeing factory.	The area of the floor space of the installation exceeds 1000 square metres.
(5) The construction or change of use of an installation for use as a cellulose-processing or production installation.	The area of new floor space of the installation exceeds 1000 square metres.
<b>9 Rubber industry</b>	
The construction or change of use of an installation to manufacture or treat elastomer-based products.	
<b>10 Infrastructure projects</b>	
(1) The carrying out of an industrial estate development project.	The area of the development exceeds 0.5 hectares.
(2) The carrying out of an urban development project, including the construction of shopping centres, car parks, sports stadiums, leisure centres and multiplex cinemas.	Floor area of the buildings included in the project exceeds 10,000 square metres.
(3) The installation of a cable-car.	
(4) The construction of a road.	The area of the road, including any pavements, exceeds 0.5 hectares.
(5) The construction of a harbour, including a fishing harbour.	
(6) The construction of an airport.	
(7) The canalisation or flood-relief works.	The area of the canal and any auxiliary work exceeds 0.5 hectares.
(8) The construction of a dam or any other installation designed to hold water or store it on a long-term basis.	The area of the dam or installation exceeds 0.5 hectares.
(9) The construction of a tramway, elevated or underground railway, suspended line or similar line.	

<i>Column 1</i>	<i>Column 2</i>
(10) The construction of an oil or gas pipeline installation.	
(11) The installation of a long-distance cable for the transmission of electricity.	
(12) The construction of a long-distance aqueduct.	
(13) The construction of a marina.	
(14) The construction of coastal works to combat erosion, (but not the maintenance and reconstruction of such works).	
(15) The construction or placing of maritime works that are capable of altering the coast by virtue of their construction or placement.	
<b>11 Other projects</b>	
(1) The construction of a holiday village or hotel complex and associated developments in a rural location.	The area of the development exceeds 0.5 hectares.
(2) The construction of a permanent racing or test track for cars or motor cycles.	
(3) The laying out of a golf course and the construction of any associated development.	The area of the course and any associated development exceeds 0.5 hectares.
(4) The construction of an installation for the disposal or treatment of waste (including waste from mines and quarries and vegetable waste).	
(5) The construction of a waste water treatment plant, including a treatment plant that forms part of any other development.	The area of the plant exceeds 0.5 hectares.
(6) The change of use of land to use as a site for the deposit of sludge (but not treated or pelleted sludge).	
(7) The change of use of land to use as a site for the storage of scrap metal.	The land is within 100 metres of a stream, pond or reservoir.

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<i>Column 1</i>	<i>Column 2</i>
(8) The installation of a test bench for engines, turbines or reactors.	The area of new floor space of the development exceeds 1000 square metres.
(9) The construction or change of use of an installation to manufacture artificial mineral fibres.	The area of new floor space of the development exceeds 1000 square metres.
(10) The construction or change of use of an installation to manufacture, package, load or place in cartridges gunpowder or other explosives.	The area of new floor space of the development exceeds 1000 square metres.
(11) The construction or change of use of an installation or the change of use of land for use as a knackers' yard.	The area of new floor space of the knackers' yard exceeds 1000 square metres.
(12) Any development on land covered or, in the normal course of tides, from time to time covered by sea water.	
(13) The reclamation of land from the sea.	

## **SCHEDULE 2**

(Article 1)

### **WHAT AN ENVIRONMENTAL IMPACT STATEMENT MUST CONTAIN**

#### **PART 1**

1. Description of the development, including in particular –
  - (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
  - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
  - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
2. An outline of the main alternatives studied by the applicant and an indication of the main reasons for his or her choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from –
  - (a) the existence of the development;
  - (b) the use of natural resources;
  - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,and the description by the applicant of the forecasting methods used to assess the effects on the environment.
5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

## **PART 2**

1. A description of the development comprising information on the site, design and size of the development.
2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
3. The data required to identify and assess the main effects which the development is likely to have on the environment.
4. An outline of the main alternatives studied by the applicant and an indication of the main reasons for his or her choice, taking into account the environmental effects.
5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.



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## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Planning and Building (Environmental Impact) (Jersey) Order 2006	R&O.106/2006	30 October 2006

### Table of Renumbered Provisions

Original	Current
7(1)	7
7(2)	Spent, omitted

### Table of Endnote References

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<sup>1</sup>	<i>chapter 22.275</i>
<sup>2</sup>	<i>chapter 22.275</i>