

PlanForum

Guernsey Agents' Forum
Meeting held 2nd June 2016 @ Sir Charles Frossard House

NOTES OF THE MEETING

PlanForum members in attendance:

Esther Male – CCD Architects
David Aslett – States of Guernsey Property Services
Gary Bougourd – Babbe McCathie
Paul Le Tissier – Guernsey Electricity
Rachel Jones – Cary Olsen
John Hibbs – PF&A
William Fish – Longport Group
Emilia Trow – Soup Architects

From States of Guernsey:

Jim Rowles – Director of Planning (AJR)
Elaine Hare – Development Control Manager (EMH)
Andy Mauger – Building Control Manager (AAM)
Claire Barrett – Policy and Environment Manager (CEB)
Alun White – Principal Conservation & Design Officer (AWW)
Simone Whyte – Principal Forward Planning Officer (SW)
Imogen Berryman – Guernsey Water
Jon Holt – Guernsey Water
Louisa Driver – Technical Support Officer (notes)

Apologies:

Chris Lovell – Lovell & Partners
David de la Mare – DLM Architects
Tim Guilbert – Consult & Build
David Falla – Falla Associates International Ltd
Claire Smith – Ogier Advocates
Andrew Merrett – Lovell Ozanne & Partners
Rob Le Page – R W Le Page
Carl Foulds – Direct Architectural Solutions

Meeting commenced 2:42pm

Welcome

AJR opened the meeting and welcomed all present.

1. Matters arising from last meeting

Referring to matters arising from the last PlanForum meeting held in November 2015, AJR made reference to the High Hedges Law and confirmed that the Law is

being drafted and is now likely to be brought into effect in early 2017. AJR also noted that the revised Use Classes Ordinance is being drafted in line with States approval of policy in January 2016; it is hoped that this will be completed and brought into effect by the end of 2016.

2. The new system of Government – Planning Service and DPA

AJR informed agents that the new system of Government came into effect on the 1st of May following States approval of three policy letters from the States Review Committee. As a result of this the former Environment Department no longer exists and the planning functions largely are now the responsibility of the Development & Planning Authority (DPA), which is the political committee, and the Planning Service which is the staff who administer the service. AJR explained that a core principle of the new system of Government is that the politicians set the policy and the civil servants are responsible and accountable for managing the operations.

It was highlighted that the planning system has statutory processes with established checks and balances including statutory rights of appeal. Political input is centred on setting policy (e.g. Island Development Plan) and considering the most contentious or novel applications which are heard in public at the Open Planning Meetings. It is envisaged that open planning meetings (OPMs) will continue much as before, with arrangements similar to those operated by the former Environment Department. AJR suggested that the most obviously visible change with the new system involved the new branding/ nomenclature, whereby previously 'the Environment Department' covered an amalgamation of politicians, staff, functions and premises; however under the new system the various different terms used have different meanings and without understanding of them could be potentially confusing.

AJR clarified that the Development & Planning Authority, or DPA, is the political committee and comprises the President, Vice-President and three further Committee Members, with Jim as their Principal Officer. Planning Staff are grouped within the Planning Service, with Jim as Director of Planning. There is also an 'Office of the DPA', which is reserved for the most official communications coming direct from the Committee. The Authority carries out the legal functions of decision making under the Law, but delegates most of this work in practice to the Planning Service, in line with the principle of the politicians setting policy and not managing operations. Hence decisions will technically come from the DPA but most will be delegated to and communicated by the Planning Service. Most of the day to day functions will be carried out by the Planning Service, and as a result of this most correspondence that the agents will receive, will come from the Planning Service.

Rachel Jones questioned whether the Development & Planning Authority is the equivalent to the former Environment Department Board. AJR confirmed that it is similar; it is now referred to as a Committee, although not one of the 6 'Principal' States Committees. AJR also clarified that the DPA is separate and independent from any other States committee or body. However, staff in the Planning Service may

serve a number of different committees, for example Committee *for the* Environment and Infrastructure with regard to strategic spatial planning matters including in the future a marine spatial plan.

AJR confirmed that agents should submit applications or communicate with the Planning Service at SCFH in the usual way. It was noted that Building Control is a slightly separate functional entity with Andy as head of profession, and with this in mind it is best for agents to write separately to Building Control at SCFH. For any email correspondence with both the Planning Service and Building Control planning@gov.gg remains the recommended email contact address.

AJR gave the opportunity for agents to give feedback on the above points.

Agents had nothing to report.

Website

AJR informed agents that as part of the recent changes the States website had been updated considerably to reflect the new branding and to also ensure the website is easier to use.

AJR asked agents for any feedback regarding the new website.

Rachel Jones stated that she found the website easier to use and liked the boxes which define each section. On the other hand, Esther Male stated that she found the website difficult to use, with a particular reference to finding fee guidance. She explained that it was difficult to know which box should be clicked on for this and it wasn't always clear.

EMH advised agents that there is a method of providing feedback on the website, at the bottom of each web page, you will see the question 'was this page helpful?', in which you can respond 'yes' or 'no'. Feedback would be most welcome to suggest and guide further improvements to the website.

EMH noted that the States website is managed corporately and that the overall design and layout is largely beyond our immediate control. CEB also noted that there are only certain places where information can be uploaded and a limited number of pages per topic, limiting flexibility for Forward Planning, for example, where there are multiple policy documents to upload e.g. guidance notes. SW also mentioned that it can be difficult to navigate to the page regarding the draft Plan as it would appear that only certain pages were clicked on regularly, resulting in only this particular part of the web appearing on the front page.

AJR reiterated that agents' feedback regarding the new website would be very useful e.g. what areas of the website agents find difficult to use and which they particularly like; it would also be helpful to note the ways in which agents think the website could be further improved. The more people that give feedback about the same

issue, the more likely it will be to achieve change. EMH also requested agents to contact the Planning Service directly on planning@gov.gg with their suggestions, so that the Service is aware of any problems and suggested improvements in advance. AJR agreed and noted that concerns might potentially relate to something the Planning Service could easily alter in the first instance. SW also made agents aware that the website is still new and that there will be some further refinement – keep a look out for these changes.

AJR informed agents that the Planning Service is exploring the scope to provide agents with their own area on the website – when finalised this should enable agents to access the matters that they are most interested in more easily and quickly and the Planning Service can also post items of interest and communicate with agents more directly.

3. Development Control - update and progress

Housekeeping matters

EMH reminded agents to check through their applications before submitting them, as quality is not always what it should be; errors and omissions cause more work to rectify, resulting in consequent delays to processing all applications. Specific points raised included; scales being wrong on drawings, fees not being included with applications, revised drawings without a revision number, cloud revisions are helpful but the statement 'revised to planners / client's requirements' is meaningless. Agents were also reminded that some plans that are sent in via email are too large and cannot be received, and on the contrary some plans are too small to be read. In addition to this, agents were asked to ensure they visit the fees FAQs page on the website before ringing the Planning Service with fee queries.

EMH also referred to some recent occasions, where agents had visited the Planning Service reception and requested ad-hoc meetings with Planning Officers. EMH said that meetings should be pre-arranged in accordance with normal practice to enable officers to effectively manage their time and enable reasonable preparation. As well as this, the role of the duty planner was discussed, and EMH clarified that the duty planner will be able to answer non site specific/general queries. EMH asked agents to be mindful of queries that require the planning officer to do some prior research. It was explained that the role of the duty planning officer is to only give basic non-site specific advice. EMH asked agents to refer to the duty planner policy guidelines should they need further clarification on the role of the duty planner.

As mentioned in the previous PlanForum, EMH requested agents to consider whether a Pre-application (pre-app) meeting was needed or whether a written pre-application enquiry would suffice (and can sometimes give a quicker response).

EMH reminded agents that two sets of plans should be submitted when requesting minor amendments and that revised drawing numbers should be specified.

EMH also reminded agents that site notices ought to be removed after the statutory 21 day period has elapsed, in accordance with the Law.

Online submissions

EMH advised agents that the drafting for the service delivery plan has continued, and as part of this work the Planning Service has set an initial target of introducing online submission and publication of planning applications within the next two years (subject of course to the necessary resources being available).

AJR outlined the benefits of having planning applications online but was also conscious of setting a realistic timescale for delivery of this. AJR explained that the Planning Service wanted to make sure that they get this right first time. Experience elsewhere indicated that significant problems could arise if such measures were brought in too early, without adequate preparation.

EMH informed agents that the team has worked hard on reviewing its correspondence including the 'tone of voice' that is used. Standard planning conditions have also been thoroughly revised and updated. EMH asked agents whether this was something they had noticed, however agents had nothing to report.

Resources

EMH advised agents that the Development Control team has some busy months ahead, with major applications in progress for Admiral Park, Leale's Yard and the waste facility at Longue Hougue to name just a few. During this time, there will also be changes to staffing, with Steve Hartman retiring in August and some other changes to staff also imminent. EMH asked agents to be mindful of the impact this may have.

Agent feedback

EMH gave the opportunity for any of the above points to be discussed.

AJR asked agents who are part of larger practices, whether there were any policies regarding removal of site notices. Esther Male confirmed that it was usually left to the client to remove the notice but it does vary.

John Hibbs referred to pre-app meetings, and explained that sometimes it was nice to have one to one meetings with a Planning Officer rather than submit a written pre-app; however the written pre-app procedure worked well and was often quicker. EMH agreed that in some cases, a meeting can be desirable however the written process was an alternative and generally more efficient way to communicate advice.

Esther Male stated that in some cases she had telephoned the duty planner to

confirm a fee, only to find out later that the fee is wrong. AJR suggested that for more complicated applications it might be best to email the request so that it can be reviewed and confirmed; this would also have the benefit of the response being in writing so it can be referred to later.

AAM noted that this had also happened in Building Control, where responses to other than very straightforward fee queries are passed through himself or the Principal BC Surveyor. AJR said that for more complex planning fee queries it would be best to email them to planning@gov.gg. EMH also requested agents to let her know if a similar situation occurred again.

Rachel Jones asked whether work towards online submissions was in progress now. AJR stated that iLAP, which is the software system that the team has been using for the past 14 years, is now due to be upgraded and this will enable some of the functionality required to be included as standard, providing the foundations for the on-line system to be developed.

AAM noted that when Building Control moved to electronic submissions, a few agents did not want their drawings to be accessible online for copyright reasons. AAM asked agents whether this was something they were concerned about. Esther Male stated that she could understand the reasons why some agents would not want their work online. It was explained that expertise and time go into the drawings which represent intellectual copyright, which would then be in the public domain for others to potentially use. Rachel Jones noted that it would be beneficial to have plans online and this would save time. AJR also explained that online submissions would help the public and the front desk, as many members of the public come in to reception and request to see hard copies of the plans. However, EMH did note that also having physical copies of detailed plans will remain part of an application for planning permission.

Gary Bougourd referred to a recent occasion where an application was sent in without a cheque and it was returned two weeks later and wondered whether this could have been dealt with differently, e.g. by phoning him. AJR confirmed that the Technical Support team does carry out an early validation screening process to ensure obvious deficiencies in applications such as missing fees are picked up as quickly as possible. In a case like this, the Planning Service would write to the agent, so there is a record of the communication in the iLAP system. AJR agreed that such early contact should be made within a few days from submission but stated it does need to be in the form of a letter to ensure an adequate audit trail is provided. EMH followed on to say that for every 1600 applications, around 400 may be invalid. EMH urged agents to check their submissions are complete before they send them in; e.g. forms, fee and plans.

AJR asked agents if they wished to add anything else regarding the above.

Agents had nothing else to report.

4. Guernsey Water SuDS guidance

Welcome

AJR referred to an interesting presentation to the Agents' Forum in May last year on SuDS by Guernsey Water and Bob Bray. AJR informed agents that Guernsey Water is producing guidance on this topic and representatives have come again to the PlanForum to update agents on the progress.

The presentation was presented by Jon Holt and Imogen Berryman from Guernsey Water.

Key points from the presentation

Guernsey Water has a new Business Plan for the next 10 years. This has six outcomes and the presentation focused on outcome three which refers to effective drainage and protecting properties from flooding. Guernsey Water has produced a hydraulic model for the Island and has analysed the hotspots that are prone to flooding. 32 locations have been identified in St Peter Port, including the Esplanade and Collings Road areas. There is an emphasis to promote sustainable drainage and the ways in which water is managed on site, with an integrated drainage strategy which includes measures to ameliorate peak flows after heavy rainfall events through use of SuDS.

Guernsey Water will be producing a SuDS guidance document and it is currently in draft form. Guidance on permeable paving solutions has also been produced in draft. This promotes use of a proper sub-base (not concrete) to aid permeability.

Jon Holt asked agents whether they would like to see a copy of the draft guidance so that they can provide some feedback before it is published. Agents agreed that this would be useful. Jon Holt confirmed that he would send a link to agents prior to publication and would welcome their comments.

5. Building Control - update and progress

Electronic submissions

AAM informed agents that Building Control had now completed the roll-out of the 'e-docs' dual electronic and paper submission process to all participating agents. All paper archives will be dismantled and taken off site – students will be joining the team in the summer to help out with this. As a result of this, file searches may take a little longer than at present, due to the files being in off-site storage. AAM advised agents to allow 48 hours for this.

Stamped drawings

AAM noted that BC is keen to further reduce the amount of paper and as a result of this AAM asked whether agents still needed a stamped copy of the drawings. Gary Bougourd queried whether copies of the stamped drawings are available online and AAM confirmed that they would not be. Esther Male confirmed that the stamped copies usually get issued with the Licence. AWW noted that in some cases the mortgage lender may want to see a copy of the stamped plans.

Engineering details

AAM noted that Building Control is considering rationalising the engineering information required and will hold a meeting with members of that profession shortly to discuss this further.

Agent feedback

Agents asked whether the Building Control correspondence could be issued in pdf rather than Word format. AAM confirmed that the correspondence could presently only be issued in Word due to limitations of the iLAP software but agreed that it would be better to have it as a pdf. If this does become possible with the iLAP upgrade then this will be looked into.

Gary Bougourd stated that a technician recently asked him whether Building Control updated them of any changes to the Building Regulations. AAM confirmed that the actual Building Regulations had not been updated since 2012, so this should not be a recent issue, however where Guernsey Technical Standards have been revised since this date, then emails are sent to all agents. AAM confirmed that there had been updates to the Guernsey Technical Standards to reflect the change in Government structure from 1st May however he had felt it unnecessary to send these out to all agents. A copy of these can be found online.

Agents asked whether the quarterly newsletter update would be issued soon. AAM confirmed that he hoped to issue one over the coming months.

Gary Bougourd discussed the issue of soakaways and water on site. It was explained that in many cases, the way in which water is drained on site is not dealt with until building work has commenced and at this stage it can be difficult to resolve. CEB explained that the new Island Development Plan could help with this as it will be a requirement to be more specific in the design process rather than leaving it until the building control stage. Gary Bougourd responded that this would be helpful for larger sites but for smaller developments Building Control should ask for percolation testing and a suitable engineered solution to be devised before works start on site.

Post meeting note: Subsequently, it has been decided to request full details of surface water drainage systems prior to the issuing of a Building Licence and to take particular note of site locations with regard to known problem areas. In some cases percolation tests may then be requested as part of the approval process.

AAM asked agents whether they had anything else to add.

Agents had nothing to add.

6. Draft Island Development Plan - update and progress

Staff updates

CEB informed agents of staffing changes within both the Forward Planning and Conservation and Design teams. CEB stated that the Forward Planning team had been recruiting for two new staff members. The team had tried to recruit locally, but no one suitably qualified was found. They are still in the process of trying to recruit two suitable candidates for the position. The Conservation and Design team had recently recruited to two positions; Elaine Jordan who previously worked in Forward Planning has now moved over to Conservation and Design and Nic Joyce, who previously worked for Create, has also been recruited. Conservation and Design is now a full team again, following the previous departures of Clare Vint and Simon Went, but in October of this year, Alan Ritchie who is the Landscape and Countryside Officer will be retiring. CEB will keep agents updated of staff changes at the next PlanForum.

Draft Plan update

The draft Island Development Plan has gone through the Public Inquiry process and in March of this year, the Planning Inspectors' Report was received. There is then a statutory process to consider the Inspectors' recommendations before the Plan goes to the States. Reference to the former Strategic Land Planning Group took place prior to the change in Government structure, and the draft Plan and Inspectors' Report will be presented along with other documentation to the Development & Planning Authority in June.

CEB confirmed that the Inspectors' Report is not currently in the public domain and outlined some of the reasons for this. Principally, there is a statutory process to be followed, and as the Development & Planning Authority is in a position to recommend to the States to either accept or decline the recommendations presented in the Inspectors' report, publication of the Inspector's Report without the DPA's conclusions on it would be unhelpful and potentially misleading. Additionally, the content of the Inspectors' report is commercially sensitive and its release in an uncoordinated manner would be procedurally unfair as well as running contrary to the statutory procedure.

In accordance with the statutory provisions, the current intention is for the Inspectors' report to be published by the end of July with the DPA's conclusions on the same, any changes recommended by the DPA to the Plan having taken into account the report, and other documents as required under the Land Planning and Development (Plans) Ordinance, 2007. In this way the full package would be

available for consideration an adequate time before the States' meeting to consider the Plan in the Autumn.

It is hoped that the Plan will be debated at the end of September. There will be information in the media when the proposals are published, and people wishing their views on the proposals to be represented in the States debate would be expected to contact their Deputies. CEB also stated that the validity of the Rural Area Plan and the Urban Area Plan expires in December, so there is a limited window of opportunity for the new Plan to be approved before the current Plans expire.

Work streams

SW informed agents that after the last PlanForum the team met to identify work streams for 2016. This included working out what guidance is required. SW informed agents that guidance notes will be worked on for Agriculture Priority Areas, sustainable design and construction waste management plans amongst others. SW also advised agents that the team will be producing a guidance note and 'tool kit' for development frameworks.

SW advised agents that there will be a deadline when planning applications will start to be considered under the Island Development Plan. SW has been working to identify some of the main differences between the current Development Plans and the Island Development Plan. In general the Island Development Plan will be more flexible; however, in some aspects its policies will be more restrictive. SW gave the example of comparison retail, and explained that under the Island Development Plan, there would be no additional comparison retail outside of the main centres and only potential for minor extension of existing comparison retail in Local Centres and Outside of Centres subject to strict criteria. There is also a policy change in relation to the loss of existing visitor accommodation, where there is much more of an emphasis to promote this sector of the economy, making it harder to obtain change of use. Policies relating to provision of affordable housing, requirements for construction waste management plans, the spatial extent of the Main Centres and Main Centre Outer Areas and there being no equivalent of the present Rural Area Plan Policy RH2 may also have particular implications for future acceptability of certain development proposals.

EMH confirmed that several major applications are in hand at the moment and the team are aware of the applications where adoption of the Island Development Plan would have more significant implications. EMH confirmed that every effort will be made to determine such applications prior to the change in Plan. However, as the deadline for adoption of the new Plan comes closer it will not be practically possible to determine some applications under current policy and agents therefore need to be aware of the likely changes in policy and how these might affect their proposed schemes. EMH noted that any development proposals requiring an Environmental Impact Assessment would likely be out of time already for consideration under current policy if the States were to approve the IDP, as hoped, at the end of September. In relation to when the Island Development Plan is applied to

development control decisions, AJR emphasised that it is the Development Plan in force at the time that the decision on an application is taken which is the determining factor as to which Plan is relevant to an application, not when the application is submitted.

Esther Male asked what would happen if the States decided to amend the Plan during debate in a significant or major way. CEB advised that an insignificant or minor change might be accepted through an amendment in the States; however a major or significant change such as deleting allocated housing sites and thus undermining the 5 year housing supply or requiring a boundary change to accommodate new housing sites elsewhere would be likely to require the Plan to go back through the Planning Inquiry process.

7. Managing the Historic Environment - update and progress

AWW informed agents that the Conservation & Design team would be looking to visit practices and agents to explain and receive feedback regarding the Protected Building Review and service delivery more generally. It was explained that making direct contact at this time was a good opportunity with the new team in place and the new Island Development Plan imminent.

AWW also informed agents that the team had been working on several appeals against listing of buildings. There had been four such appeals in the last 6 months and in only one of these had the property concerned been removed from the list. There had also been work and research into the ways in which the legal notice can be improved, following some helpful suggestions from the Appeals Tribunal. AWW explained to agents that research into the ways in which other jurisdictions provide this information (e.g. Jersey, Ireland and Wales to name a few), highlights that Guernsey generally provides more detail in its notices, although there are currently some gaps which are being filled. It is proposed to reconvene the heritage focus group to assist with improving the protected building notices.

The remainder of 2016 will see a focus on making decisions on protected buildings following surveys carried out in 2012, 2014 and 2015, along with some ad hoc surveys. Other work streams include preparing guidance to be issued on adoption of the Island Development Plan such as an advice note on windows and doors in protected buildings, as well as guidance on what needs planning permission and on repairs and minor alterations to protected buildings. Another project that will be worked on involves the conservation area character appraisals for the new Plan and AWW emphasised that this will be a major project for the team. There are 26 conservation areas proposed in the Island Development Plan and draft character appraisals have already been prepared for all of these other than St Peter Port. Public consultation is required for the existing draft appraisals, prior to their adoption. The team has capacity to produce around 5 character appraisals per year, however St Peter Port has approximately 10 character areas and it is estimated this

will take two years to complete. Overall, AWW informed agents this would likely be a 7 year project.

AWW asked agents to be mindful of the team resources and other work streams. AWW noted that in some cases, ad-hoc meetings and surveys for the same day have been requested. This cannot be maintained and easily arranged due to other work commitments and in most cases background research is required.

CEB noted that an initiative which is being promoted and will feature in the Service Delivery Plan relates to a project team approach for larger or more complex projects. For protected buildings, this will involve Planning, Building Control and Conservation and Design officers working together as part of the project team from an early stage to deliver a consistent and joined-up service in these larger and more challenging cases.

8. Agent feedback

AJR gave agents the opportunity for any feedback.

Agents had nothing to report.

AJR requested agents to inform the Planning Service of the ways in which they feel the service can be improved. Please email planning@gov.gg with any suggestions.

9. Forthcoming CPD opportunities

AJR discussed the difficulty in accessing Continuing Professional Development opportunities. AJR asked agents whether there were any CPD opportunities that they were aware of and requested them to let the Planning Service know of any forthcoming opportunities. AJR confirmed that the Planning Service will also inform agents of any CPD opportunities that may be of interest.

David Aslett kindly agreed to inform the Planning Service of forthcoming CPD opportunities through the Guernsey Society of Architects.

Agents had nothing further to report, but it was mutually agreed that keeping both agents and the Planning Service aware of any forthcoming opportunities would be a good idea.

AAM mentioned the Geomarine project that was carried out last year on the boat landing steps on Hanois Lighthouse. This project is shortlisted for an award, so if agents would like to vote there is any opportunity to do so. The award will be announced in July and the voting page can be found here <https://www.ice.org.uk/near-you/uk/south-west/awards/civil-engineering-awards>.

10. AOB and items for next meeting

AJR informed agents that it had been Noise Action Week from 23rd to 28th May 2016 and Environmental Health participated by promoting guidance in relation to noise from construction and demolition sites. AJR provided agents with a copy of the guidance document and asked agents to note this guidance. The information is also provided at www.gov.gg/nuisances.

AAM noted that direct line telephone contact details for Building Control Surveyors had been previously circulated to agents. If anyone had not received this please contact Andy.

There was no other business.

Meeting ended 4.25pm

The next PlanForum meeting will be in November 2016.