

**The Development & Planning Authority**

**Report on the draft Island Development Plan including the conclusions of the Development & Planning Authority on the Report of the Planning Inspectors appointed to conduct the Independent Planning Inquiry and the changes recommended to the Plan from that originally published.**

**1. Executive Summary**

- 1.1 The Development & Planning Authority is pleased to present for consideration the draft Island Development Plan, the Environmental Statement in relation to the Plan proposals, the report and recommendations of the Inspectors and the Authority's conclusions and reasons thereon, the changes recommended to the draft Plan from that originally published and reasons thereon and all other documentation required to be laid before the States by the Land Planning and Development (Plans) Ordinance, 2007 (the Plans Ordinance).
- 1.2 The Island Development Plan is a Development Plan which has been prepared by the Development & Planning Authority under section 8 of the Land Planning and Development (Guernsey) Law, 2005, and sets out the land planning policies for the whole of Guernsey in a single document. It has been prepared to replace both the Urban Area Plan and the Rural Area Plan, consistent with and taking into account strategic guidance and direction set out within the Strategic Land Use Plan (the preparation of which now falls within the mandate of the Committee *for the* Environment & Infrastructure), which was approved by the States in November 2011 (Billet d'État XIX of 2011, Article X). It therefore provides land planning policy for the entire Island in a single document (Appendix 1).
- 1.3 The existing Development Plans (the Urban Area Plan and Rural Area Plan) will cease to have effect from 2<sup>nd</sup> December 2016. Should the Island Development Plan not be adopted by the States or additional amendments proposed to it which result in adoption of the Plan proposals being deferred to allow the Authority to consider the implications of the amendments (section 10(2) of the Plans Ordinance and rule 24(10) of the Rules of Procedure of the States) or where such amendments require the public inquiry to be reopened (section 10(3) of the Plans Ordinance) consideration will have to be given to a further extension of the Urban and Rural Area Plans to ensure an adopted development plan is in force against which planning applications can be considered.

- 1.4 The Island Development Plan balances the proactive and flexible approach to development management advocated by the Strategic Land Use Plan with the purposes of the Land Planning and Development (Guernsey) Law, 2005 with a view to achieving those purposes within the spatial strategy of the Strategic Land Use Plan. The flexibility of its approach and policies means that the draft Island Development Plan can adapt to more or less growth or changes on the Island over time. The Plan also encourages a proactive and positive approach to new development and seeks to support and enable development, which is consistent with the policies of the Island Development Plan, so as to enable reasonable development aspirations to be met.
- 1.5 The draft Island Development Plan process involved a significant degree of research and evidence gathering so that the future economic, social and environmental needs of the Island could be better understood, and so that future policies are formed from a robust and credible evidence base (as required under the legislation) and can respond to current and emerging land use issues.
- 1.6 The draft Island Development Plan uses broadly defined policy areas supported by criteria-based policies. This maintains the successful policy led approach of the Urban and Rural Area Plans, rather than a zoning led system, which enables the draft Plan to be more responsive and flexible. It has adopted a Spatial Policy that directs the distribution of development within the Island, in accordance with the Spatial Strategy of the Strategic Land Use Plan, to provide for a range of development opportunities, acknowledging the role of the Main Centres as focal points for development whilst recognising the role of Local Centres as sustainable settlements and community focal points.
- 1.7 The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, requires the assessment of those draft Plan policies that could give rise to development that, itself, requires Environmental Impact Assessment (EIA). An Environmental Statement sets out the findings of the Environmental Impact Assessment (EIA) process for the Island Development Plan (Appendix 2). This is Guernsey's first EIA of a Development Plan. The States is required, under section 4 of the 2007 Ordinance, to take into account the Environmental Statement before passing its resolution to adopt the Island Development Plan.
- 1.8 The Land Planning and Development (Guernsey) Law, 2005, section 23, provides for planning covenants to be entered into for the purposes of the Law. They can also be used to secure obligations in relation to provision of affordable housing as provided for in the Land Planning and Development (Planning Covenants) Ordinance, 2011 but can also be used in other circumstances to secure benefits from development or to offset costs. The detailed strategic policy approach to the use of planning covenants for securing

affordable housing was subsequently set out in the Strategic Land Use Plan which was approved by the States in 2011 (Billet d'État XIX of 2011, Article X). The States are asked to note therefore, that the policies set in the Strategic Land Use Plan and also in the draft Island Development Plan, if adopted, supersede the policy which they noted in their resolution of 12<sup>th</sup> December, 2007 following the policy letter entitled 'The Use of Planning Covenants in Guernsey' (Billet d'État XXV of 2007, Article III) as the approved Island Development Plan policy would be inconsistent with the 2007 policy on use of planning covenants.

- 1.9 In accordance with section 5 of The Land Planning and Development (Plans) Ordinance, 2007, on 5<sup>th</sup> February 2015, the former Strategic Land Planning Group issued a certificate of consistency confirming the proposals set out in the draft Island Development Plan were consistent with the guidance and direction given in the Strategic Land Use Plan which was approved by the States in November 2011 (Appendix 10). On 22<sup>nd</sup> April 2016 the former Strategic Land Planning Group agreed that the process undertaken to deliver the draft Plan to that point had been managed in a highly professional manner. It considered that the draft Plan was a thorough piece of work that had benefitted from considerable public and stakeholder engagement. It concluded that it had no further comments with regard to the Inspectors report, conclusions of the former Environment Department on the same, the Environmental Statement in relation to the plan proposals and other documents required to be referred to it by the former Environment Department under section 9(2) of Land Planning and Development (Plans) Ordinance, 2007 (Plans Ordinance) (Appendix 11).
- 1.10 There have been many stages of consultation and community engagement undertaken in the preparation of the draft Island Development Plan, which have informed and influenced policy development and have helped to ensure that the draft Plan policies have evolved from a robust evidence base. A detailed report setting out the consultation range and methods entitled 'Draft Island Development Plan, Statement of Consultation and Community Engagement', 2016, is included at Appendix 4.
- 1.11 In January 2015, in accordance with the requirements of section 7 of the Land Planning and Development (Plans) Ordinance, 2007, the former Policy Council appointed Mr Keith Holland and Mr Alan Boyland as the independent Planning Inspectors to carry out a public Planning Inquiry into the draft Island Development Plan.
- 1.12 The independent Planning Inquiry was formally opened on the same day that the draft Island Development Plan and Environmental Statement was formally published on 16<sup>th</sup> February 2015. This was the first Public Inquiry into a Development Plan conducted under The Land Planning and Development (Guernsey) Law, 2005 and associated Ordinances. The Planning Inquiry was

conducted by inspectors independent of the former Environment Department, the former Policy Council and all States departments and committees, in accordance with the requirements under section 7 of the Land Planning and Development (Plans) Ordinance, 2007.

- 1.13 The Inspectors considered the draft Plan, and the evidence supporting its provisions including the Environmental Statement, the written representations submitted and the material submitted and discussed at the inquiry hearings in October and November 2015. The Inspectors' report of the Inquiry with subsequent recommendations was submitted to the former Environment Department on 4<sup>th</sup> March 2016. The complete document is reproduced in Appendix 5.
- 1.14 The Development & Planning Authority (DPA) welcomes the Inspectors' general support for the policy approach to the draft Island Development Plan. The Inspectors have noted that the draft Plan is required to facilitate the delivery of the States of Guernsey strategic objectives as set out in the Strategic Land Use Plan, as approved by the States of Deliberation on 30<sup>th</sup> November 2011. Accordingly they recognise that it is not open to the Island Development Plan to challenge or revise the Strategic Land Use Plan as part of the development plan process.
- 1.15 The Response of the Development & Planning Authority to the Inspectors' report, its conclusions and reasons for its conclusions, and proposed amendments to the Island Development Plan as published on 16<sup>th</sup> February 2015 as a result, are set out in paragraphs 9.1 to 14.8 and appendices 6, 7 and 8.
- 1.16 The Authority accepts all but two of the Inspectors' recommendations. Whilst it regrets having to disagree with the Inspectors' recommendations in relation to two particular sites, the Authority considers that there are sound planning reasons to justify its conclusions and for the land designations to remain as proposed in the draft Island Development Plan for the reasons given in this report.
- 1.17 The draft Island Development Plan is a thorough document, the conclusions and policies of which are based on firm and relevant evidence. It has been certified as being consistent with the Strategic Land Use Plan. It has benefitted from considerable public and stakeholder engagement which has influenced policy development and which has helped to provide land use policies which are relevant and robust and which effectively balance the economic, social and environmental requirements of the Island, as guided and directed by the Strategic Land Use Plan and the Land Planning and Development (Guernsey) Law, 2005.

1.18 The Island Development Plan provides a valuable mechanism to guide land use planning in Guernsey, which will enable planning to be as flexible and responsive as it can be within the Planning Law and to provide consistent, evidence based responses, leading to consistent and high quality decisions on planning applications. Adoption of the Island Development Plan will enable the realisation of the spatial strategy and other policies of the Strategic Land Use Plan, approved by the States in November 2011, and will provide the policy mechanism by which its core objectives can be achieved.

## **2. Introduction**

2.1 The Development & Planning Authority (DPA) is pleased to present for consideration the draft Island Development Plan, the Environmental Statement, the report and recommendations of the Independent Inspectors and the Authority's conclusions and reasons thereon, the changes recommended to the draft Plan from that originally published and reasons thereon and all other documentation required to be laid before the States by the Land Planning and Development (Plans) Ordinance, 2007.

2.2 A new Development Plan will have a vital role to play in the Island's future by providing for the development it needs to maintain and build economic prosperity and provide for social and environmental needs whilst ensuring that the Island remains a unique and attractive place in which to live and work and visit. As such the Island Development Plan will impact, in one way or another, on all of the Island's residents.

2.3 Since publication of the draft Plan in February 2015, there has been a change in the organisation of Government which is not reflected in the wording of the draft Island Development Plan, the Environmental Statement, the Inspectors' report and other supporting documentation. Where relevant, all references to Departments, Committees and organisational set-ups that have since changed in nature and/or name will be corrected in the final version of the Island Development Plan along with any typographical errors. References throughout the documents to the 'Environment Department' or 'Department' relate to the former Environment Department, the relevant responsibilities of which now rest with the Development & Planning Authority.

2.4 The Strategic Land Use Plan was adopted by the States on 30<sup>th</sup> November 2011 (Billet d'État XIX of 2011, Article X) and sets out a 20-year agenda for land use planning in Guernsey, focussing strongly on the successful achievement of desired outcomes. It emphasises the importance of corporate working between States committees and positive relationships between the public, private and third sectors in putting spatial policies into effect. It guides and directs the DPA in the preparation of detailed land use policies affecting all sectors of the population, the economy and the environment of Guernsey, to be set out

within a Development Plan. The Authority must take into account such guidance and directions in preparing the Island Development Plan and it is not open to the Island Development Plan to challenge or revise the Strategic Land Use Plan as part of the Development Plan process.

### **3. The Legal Context of the Proposals**

3.1 Section 6 of the Land Planning and Development (Guernsey) Law, 2005 states that, for the purposes of the Development & Planning Authority's general functions in relation to development planning, it must:

- a. seek to achieve and, where they conflict, to balance, so far as possible, both the purposes of this Law and the objectives set out in the Strategic Land Use Plan;
- b. take into account the general guidance and specific directions given to it in the Strategic Land Use Plan in exercising the functions to which that guidance or those directions relate;
- c. keep under review the matters which may be expected to affect the planning of the development of Guernsey; and,
- d. from time to time to prepare for the consideration of the States, Development Plans, Subject Plans and Local Planning Briefs and amendments to them.

3.2 The Development & Planning Authority has been established by the States of Guernsey to be responsible for detailed land use policy through the production of development plans and other statutory and non-statutory plans and guidance and also for determining development applications of all kinds. In particular, the adoption of the Island Development Plan will facilitate the delivery of the objectives of the Strategic Land Use Plan, approved by the States in November 2011, the responsibility for which now rests with the Committee *for the Environment & Infrastructure*.

3.3 The Land Planning and Development (Guernsey) Law, 2005 sets out key provisions relevant to Development Plans.

### **4. The Strategic Context of the Proposals**

4.1 The Island Development Plan is a Development Plan which has been prepared by the Development & Planning Authority (DPA) under section 8 of the Land Planning and Development (Guernsey) Law, 2005, and sets out the land planning policies for the whole of Guernsey in a single document (The draft Island Development Plan and proposals maps are in Appendix 1. An interactive version of the proposals maps can be found at <http://draftislandplan.digimap.gg>). It has been prepared to replace both the Urban Area Plan and the Rural Area Plan, consistent with and taking into account strategic guidance and direction

set out within the Strategic Land Use Plan, which was approved by the States in November 2011 (Billet d'État XIX of 2011, Article X). It therefore provides land planning policy for the entire Island in a single document.

- 4.2 After consideration of the States Advisory and Finance Committee's Policy Planning, Economic and Financial report dated 10<sup>th</sup> June 1988 (Billet d'État XVI of 1988) the States resolved to develop a detailed conservation and development strategy for the predominantly urban areas of St Peter Port and St Sampson, and to pursue a positive environmental enhancement policy in the remainder of the Island.
- 4.3 In 1990 (Billet d'État III of 1990, Article XII) the States agreed the boundaries of the Urban and Rural Areas. The Rural Area Plan (Phase 1) was adopted by the States on 27<sup>th</sup> October 1994, the Urban Area Plan on 22<sup>nd</sup> February 1995 and the Rural Area Plan (Phase 2) on 31<sup>st</sup> July 1997. These Development Plans gave effect to the strategy of enabling development on appropriate sites within the Urban Area and development restraint in the Rural Area. The States further adopted the Urban Area Plan (Review No.1) in July 2002 and the Rural Area Plan (Review No. 1) in December 2005 which continued this spatial strategy.
- 4.4 However, the Urban Area Plan and the Rural Area Plan were prepared under strategic policies that are over 10 years old and are now becoming out of date. The Urban and Rural Area Plans are aging and, whilst not failing, are in need of replacement if the land planning system is to meet the requirements of the Island over the next decade. They have been extended on two occasions already, the last being in July 2015 (Billet d'État XIV of 2015, Article XVI) when the States resolved to extend the effective period of the Urban Area Plan (Review No.1) and the Rural Area Plan (Review No.1) until the 2<sup>nd</sup> December, 2016, or such earlier date when the States formally adopt a revised Development Plan replacing the Plans in question, to allow for completion of the public inquiry into the draft Island Development Plan, receipt of the Inspectors' report and subsequent consideration of recommendations and adoption by the States.
- 4.5 The existing Development Plans will, therefore, cease to have effect from 2<sup>nd</sup> December 2016. Should the Island Development Plan not be adopted by the States or additional amendments be proposed to it which result in adoption of the Plan proposals being deferred to allow the Authority to consider the implications of the amendments (section 10(2) of the Plans Ordinance and rule 24(10) of the Rules of Procedure of the States) or where such amendments require the public inquiry to be reopened (section 10 (3) of the Plans Ordinance) consideration will have to be given to a further extension of the Urban and Rural Area Plans to ensure an adopted development plan is in force against which planning applications can be considered.

- 4.6 The Strategic Land Use Plan is a statutory document prepared by the former Strategic Land Planning Group (the preparation of which now falls within the mandate of the Committee *for the* Environment & Infrastructure) under the terms of the 2005 Planning Law (Part II, Section 5). The Strategic Land Use Plan was adopted by the States on 30<sup>th</sup> November 2011 (Billet d'État XIX of 2011, Article X) and sets out a 20-year agenda for land use planning in Guernsey, focussing strongly on the successful achievement of desired outcomes. It emphasises the importance of corporate working between States committees and positive relationships between the public, private and third sectors in putting spatial policies into effect. It guides and directs the DPA in the preparation of detailed land use policies affecting all sectors of the population, the economy and the environment of Guernsey, to be set out within a Development Plan. The Authority must take into account such guidance and directions in preparing the Island Development Plan and it is not open to the Island Development Plan process to challenge or revise the Strategic Land Use Plan.
- 4.7 The Strategic Land Use Plan sets a spatial strategy for the distribution of development with which the Island Development Plan must be consistent. This specifically guides and directs the DPA in terms of the location of new development and the policies of the Island Development Plan must be consistent with the approved Spatial Strategy. This requires the draft Island Development Plan to identify a hierarchical structure of Main and Local Centres. The urban centres of St. Peter Port and St. Sampson/Vale are identified in the Strategic Land Use Plan as Main Centres. The Local Centres are to be defined in the Island Development Plan but the Strategic Land Use Plan requires that Local Centres are designated on the basis of sustainability indicators such as doctors' surgeries and community facilities, public transport links and convenience shops selling fresh produce and daily essentials. There is, therefore, some specific strategic direction given to the DPA in developing the draft Island Development Plan.
- 4.8 Adoption of the Island Development Plan will enable the realisation of the spatial strategy and other policies of the Strategic Land Use Plan, approved by the States in November 2011, and will provide the policy mechanism by which its core objectives can be achieved. The draft Island Development Plan sets out appropriate land use policies to ensure that land is used and managed in such a way that it meets the current strategic objectives of the States of Guernsey as set out in the Strategic Land Use Plan.

## **5. The Draft Island Development Plan**

- 5.1 The Strategic Land Use Plan approved by the States of Guernsey identifies planning as having an enabling role to play in, not only protecting and enhancing the physical environment, but also in actively promoting and

enabling development where this would meet the strategic objectives of the States. Therefore, the Island Development Plan balances the proactive and flexible approach to development management advocated by the Strategic Land Use Plan with the purposes of the Land Planning and Development (Guernsey) Law, 2005 with a view to achieving those purposes within the spatial strategy of the Strategic Land Use Plan. The flexibility of its approach and policies means that the draft Island Development Plan can adapt to more or less growth or changes on the Island over time. The Plan also encourages a proactive and positive approach to new development and seeks to support and enable development, which is consistent with the policies of the Island Development Plan, so as to enable reasonable development aspirations to be met.

- 5.2 The draft Island Development Plan process involved a significant degree of research and evidence gathering so that the future economic, social and environmental needs of the Island could be better understood and so that future policies are formed from a robust and credible evidence base and can respond to current and emerging land use issues. Information was gathered from States Departments and Committees and other relevant bodies and interest groups which, together with research, contributed to a series of over 30 evidence reports which helped inform the future land use policies of the draft Island Development Plan. The evidence reports were published and can be found on the States website at <https://www.gov.gg/planningpolicy>.
- 5.3 The Island Development Plan emphasises the importance of corporate working between States' Committees and positive relationships between the public and private sectors in putting spatial policies into effect. This means that the Island Development Plan concentrates on the action that needs to be taken to achieve identifiable and measurable results through the use and management of land as a strategic resource, rather than only looking narrowly at individual topics and land supply targets.
- 5.4 The main purposes of the Island Development Plan are:
- To manage the physical environment so as to facilitate the delivery of the States of Guernsey strategic objectives that require the use of land, as set out in the Strategic Land Use Plan;
  - To ensure that development is carried out in such a way as to appropriately balance the social, economic and environmental objectives of the States of Guernsey;
  - To provide the policy framework for the determination of planning applications;
  - To encourage suitable development on appropriate sites;
  - To conserve and enhance the best of Guernsey's physical environment;

- To help to guide public and private investment in relation to land planning.

5.5 The Island Development Plan Objectives (in no particular order) are to:

- Make the most effective and efficient use of land and natural resources;
- Manage the built and natural environment;
- Support a thriving economy;
- Support a healthy and inclusive society;
- Ensure access to housing for all; and
- Meet infrastructure requirements.

5.6 The Island Development Plan deals with a wide range of land use and development issues, such as how the local economy will be supported through the use of land; where new homes may be built, and where industry, leisure and retail facilities may be located; how physical and social infrastructure will be provided to support new development; how Guernsey's Main Centres and Local Centres will be developed; how the built and natural environment will be conserved and enhanced; and how householder applications for development will be assessed under the Island Development Plan.

5.7 The draft Plan has been prepared to include policies which positively promote development in appropriate circumstances whilst conserving and enhancing the natural and built environment and providing a flexible and proportionate approach to the management of development. The draft Island Development Plan comprises broadly defined policy areas supported by criteria-based policies. This maintains the successful policy led approach of the Urban and Rural Area Plans, rather than a zoning led system, which enables the draft Plan to be more responsive and flexible. The Island Development Plan also highlights areas and sites which are appropriate for specific forms of development, such as Housing Allocations and Key Industrial Areas, and areas where there may be specific limitations on development such as Sites of Special Significance. The policies also outline where, in certain circumstances, more site specific planning guidance will be required in the form of Development Frameworks and Local Planning Briefs.

5.8 The Island Development Plan has adopted a Spatial Policy that directs the distribution of development within the Island, in accordance with the Spatial Strategy of the Strategic Land Use Plan. This has led to the identification of a hierarchical structure of Main Centres, Main Centre Outer Areas and Local Centres. Within this framework, the Island Development Plan provides for a range of development opportunities recognising the role of the Main Centres, including Admiral Park and the Saltpans industrial site, as focal points for

development and these areas make the majority of provision for new development as required by the Strategic Land Use Plan.

- 5.9 The Island Development Plan recognises the role of Local Centres as sustainable settlements and community focal points and provides opportunities within these areas for development of a scale appropriate for the particular Local Centre, where this would help support it as a sustainable centre.
- 5.10 The Land Planning and Development (Plans) Ordinance, 2007, states that a Development Plan has a ten year lifespan. This can be extended by resolution of the States of Guernsey. Although under the terms of the Plans Ordinance a Development Plan will be valid for ten years, it may be reviewed in whole or in part at more frequent intervals if this appears necessary.
- 5.11 Ensuring that the Island Development Plan is effective and relevant requires the on-going monitoring of the success and progress of its policies to make sure it is achieving its objectives and can make necessary adjustments if the monitoring process reveals that changes are needed. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances and to adjust if its policies are not delivering what is required by the States. Monitoring is required to provide a detailed understanding of the performance of planning policies in the delivery of the objectives of the Strategic Land Use Plan, other States of Guernsey objectives and priorities and the purposes of the Land Planning and Development (Guernsey) Law, 2005. The monitoring process will help to determine whether there is a need to review the Strategic Land Use Plan and/or undertake a partial or full review or alteration of the Island Development Plan or prepare a new statutory Plan.
- 5.12 Effective monitoring will be managed through the DPA submitting regular reports to the Committee *for the* Environment & Infrastructure, as required by the Strategic Land Use Plan, setting out how the Island Development Plan is satisfying specific economic, social and environmental objectives of the States. Details of the approach to monitoring are in Part Five of the draft Plan. Effective monitoring requires input and feedback from other States' Committees, stakeholder groups and the public. The DPA will liaise with other relevant bodies to produce the Monitoring Reports and it is intended to make these publically available to enable communities and interested parties to be aware of progress.
- 5.13 The Island Development Plan has been developed so that it can be responsive, proactive and flexible so that it will provide for the future development requirements of the Island in a way that conserves the special features of its environment, makes optimum use of its resources and offers a good quality of life for its people.

## Environmental Impact Assessment

- 5.14 The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, requires the assessment of only those draft Plan policies that could give rise to development that, itself, requires Environmental Impact Assessment (EIA). The EIA of the relevant draft Plan policies aims to ensure that these policies are sustainable and have fully considered likely significant environmental effects.
- 5.15 An Environmental Statement sets out the findings of the Environmental Impact Assessment (EIA) process for the Island Development Plan (Appendix 2). The Environmental Statement describes the current environment in Guernsey, identifies environmental objectives, considers alternative policy approaches to those set out in the draft Island Development Plan, identifies any likely significant environmental impacts of implementing these policies and suggests ways in which negative environmental impacts could be avoided or minimised. This is Guernsey's first EIA of a Development Plan.
- 5.16 The Land Planning and Development (Plans) Ordinance, 2007, requires the Environmental Statement to be laid before the States alongside the draft Island Development Plan and for a non-technical summary of the Environmental Statement to be annexed to the draft Plan. The non-technical summary of the Environmental Statement is in Appendix 3. The States is required, under section 4 of the 2007 Ordinance, to take into account the Environmental Statement before passing its resolution to adopt the Island Development Plan.
- 5.17 Section 4 of the Land Planning and Development (Plans) Ordinance, 2007, requires that certain consultations are carried out where the development plan proposals include policies relating to Environmental Impact Assessment development, including consultation on the scope of the EIA. The required consultees are States committees and any public utility provider whose operations may be affected by the proposals, the Constables of each parish and such persons or bodies who reasonably appear to the Authority to have appropriate expertise relating to the development in question.
- 5.18 The EIA process was subject to consultation with relevant consultees in accordance with the requirements of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 and the Land Planning and Development (Plans) Ordinance, 2007 (full details of the consultation can be found in Appendix 4). The Environmental Statement and non-technical summary were published alongside the draft Island Development Plan on 16<sup>th</sup> February 2015. This allowed for public consultation on the Environmental Statement as part of the Planning Inquiry process. The Environmental Statement and non-technical summary previously published have been

updated to reflect the relevant proposed amendments in light of the Public Inquiry and Inspectors' recommendations.

- 5.19 The DPA has made a full and thorough assessment of the likely environmental impacts of those draft policies in the draft Island Development Plan which could give rise to EIA development in accordance with the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007. It has taken the findings of the EIA, including potential mitigation measures, as set out in the Environmental Statement into account in drafting the policies in the draft Island Development Plan and concludes that the EIA has resulted in policies which have taken into account environmental impacts whilst still achieving States objectives but which are also balanced and effective.
- 5.20 Although the EIA only assesses those selected policies that are identified as enabling certain development, often of large scale, likely to have significant environmental impacts, all development on the Island will be subject to all the relevant policies of the Island Development Plan, once adopted, including the environmental protective policies which are not assessed as part of the EIA, including Policies GP8 on design, GP9 on sustainable development, GP3 on Areas of Biodiversity Importance and GP5 on Protected Buildings.
- 5.21 The carrying out of the EIA also meets the requirement in section 4 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, that plan proposals, which could give rise to EIA development, must not be submitted to the States unless an EIA has been carried out. The Authority also referred the Environmental Statement and its conclusions on that statement to the Strategic Land Planning Group before requesting laying of the full Island Development Plan documentation as required under section 4.

#### Planning Covenants.

- 5.22 The Land Planning and Development (Guernsey) Law, 2005, section 23, provides for planning covenants to be entered into for the purposes of the Law. A planning covenant may restrict the development or use of land, may require specified operations or activities to be carried out or require land to be used, maintained or managed in a specified way in relation to the purposes of the Planning Law. They can be used to secure obligations in relation to provision of affordable housing as provided for in the Land Planning and Development (Planning Covenants) Ordinance, 2011 but can also be used in other circumstances to secure benefits from development or to offset costs. For example, a planning covenant may require a sum or sums to be paid to the States to meet expenses incurred in undertaking public works which are required or desirable as a consequence of private development or to meet other public expenditure attributable to a development. Planning covenants are therefore a useful and important mechanism, laid out in the Planning Law,

to ensure that certain benefits and requirements relating to the use and development of land are fulfilled where the use of planning conditions would not be appropriate or may be less effective.

5.23 In December 2007, the States considered the recommendations of a policy letter entitled 'The Use of Planning Covenants in Guernsey' (Billet d'État XXV of 2007, Article III). The policy letter of the Housing and Environment Departments stated that, notwithstanding the provisions of the Planning Law, in relation to the application of planning covenants to private residential developments to secure affordable housing, their use would generally be limited, as a matter of policy, to circumstances where they would be used to secure affordable housing on sites already designated as Housing Target Areas (HTAs) in the Urban Area Plan. The policy letter indicated that this approach was intended to be interim pending the development of detailed policy relating to planning covenants. The subsequent States resolution of 12<sup>th</sup> December, 2007 (2007 resolution) only noted this policy so that it was not formally approved by the States.

5.24 The detailed policy approach to the use of planning covenants was subsequently set out in the Strategic Land Use Plan which was approved by the States in 2011 (Billet d'État XIX of 2011, Article X). In relation to housing provision, the Strategic Land Use Plan notes:

"To meet the aims and objectives of this Plan, it will be necessary for the Development Plans to make allowance for a proportion of social and/or specialised housing to be secured through planning covenants or by condition on larger private development sites. Development Plan policies may also request the inclusion of a number of social and/or specialised housing units as part of general market housing developments."

5.25 Strategic Policy SLP17 consequently requires that:

"The Development Plans will make provision for a range of social and specialised housing as part of the annual requirement for new homes as set out within Policy SLP13. Appropriate levels of provision of social and/or specialised housing on larger general market sites may be required through the use of planning condition or covenant and established through a specified mechanism."

5.26 The use of planning covenants to secure affordable housing, as set out in the Strategic Land Use Plan, is enabled by the Land Planning and Development (Planning Covenants) Ordinance which was approved by the States in 2011 (Ordinance No. XXVI of 2011). In accordance with the requirements of the Strategic Land Use Plan, the draft Island Development Plan includes a policy for securing affordable housing contributions on larger private market sites.

- 5.27 It is notable, however, that the draft Plan policy relating to affordable housing (GP11) says that the appropriate level of affordable housing may be secured through a planning covenant or the imposition of planning conditions on the grant of planning permission. A planning covenant is only one mechanism that may be used for delivering an appropriate amount of affordable housing. It is not the delivery mechanism (planning covenant) but the draft Plan policy which sets the percentage requirement for affordable housing on a site (although the policy does allow for flexibility with regard to the percentage requirement on a case by case basis). The affordable housing policy of the draft Island Development Plan will be subject to on-going monitoring, reported to the Committee *for the* Environment & Infrastructure, to make sure it is achieving its objectives and necessary adjustments to the policy can be made if the monitoring process reveals that changes are needed. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances and to adjust if its policies are not delivering what is required by the States.
- 5.28 The relatively restricted approach to meeting the Island's requirements for affordable housing set out in Billet d'État XXV of 2007, Article III which was only noted by the States resolution and not formally approved, was intended as an interim measure and has been superseded at a strategic level by the States approval of the Strategic Land Use Plan and would be superseded by the draft policy in the Island Development Plan on adoption. There are no longer Housing Target Area designations in the draft Island Development Plan and so the interim policy of using planning covenants to secure affordable housing on these sites only could no longer be applied. In addition, the planning legislation provides for policies relating to the promotion of planning covenants to be set out in development plans; the Authority are required to take into account the development plan policies in making planning decisions and can only make a minor departure from those policies under the legislation.
- 5.29 In January, 2016 the States negatived a proposition recommended by the Environment Department to rescind the 2007 resolution. That recommendation was made to clarify the policy position as the 2007 policy had become out of date, in particular as it was inconsistent with the strategic policy in the Strategic Land Use Plan (Billet d'État No. I of 2016, Article XII). For the reasons given above the Island Development Plan will, upon adoption, supersede the 2007 policy. Therefore, the Authority recommends that the States are asked to note that the relevant policies in the draft Island Development Plan (reflecting the relevant strategic policies in the Strategic Land Use Plan), if adopted, supersede the interim policy which they noted in their resolution following the policy letter entitled 'The Use of Planning Covenants in Guernsey' (Billet d'État XXV of 2007, Article III) as the approved Island Development Plan would be inconsistent with the 2007 policy on use of planning covenants.

### Strategic Endorsement

- 5.30 In accordance with section 5 of The Land Planning and Development (Plans) Ordinance, 2007, on 5<sup>th</sup> February 2015, the former Strategic Land Planning Group issued a certificate of consistency confirming the proposals set out in the draft Island Development Plan were consistent with the guidance and direction given in the Strategic Land Use Plan which was approved by the States in November 2011 (Appendix 10).
- 5.31 Subsequent proposed amendments to the draft Island Development Plan were also referred to the former Strategic Land Planning Group. On 6<sup>th</sup> November 2015 the Strategic Land Planning Group advised that it acknowledged that some of the proposed amendments had been put forward as a result of the examination of issues as part of the Planning Inquiry and other amendments had been suggested by representors through the Planning Inquiry and that the former Environment Department had indicated that it was willing to accept them. The Strategic Land Planning Group confirmed that it was of the opinion that there were no changes being proposed within the document that would result in the Island Development Plan, as drafted and amended, no longer being consistent with the Strategic Land Use Plan.
- 5.32 On 24<sup>th</sup> March 2016 the former Environment Department wrote to the Chairman of the former Strategic Land Planning Group referring to the Group its written conclusions on the Planning Inspectors' report and the reasons for its conclusions, and all other associated documents as required by section 9(2) of the Land Planning and Development (Plans) Ordinance, 2007, requesting any comments the Group may wish to give, or written confirmation that it did not intend to give any comments, in accordance with section 9(3) of the Plans Ordinance.
- 5.33 Having referred all of the documents required by section 9(2) of the Land Planning and Development (Plans) Ordinance, 2007 to the former Strategic Land Planning Group, a response was received on 22<sup>th</sup> April 2016. The Strategic Land Planning Group agreed that the process undertaken to deliver the draft Plan to that point had been managed in a highly professional manner. It concluded that the draft Plan was a thorough piece of work that had benefitted from considerable public and stakeholder engagement. The Strategic Land Planning Group decided that it did not intend to make any further comments with regard to the draft Plan, the Inspectors report, conclusions of the former Environment Department on the same, the Environmental Statement in relation to the plan proposals and other documents required to be referred to it by the former Environment Department under section 9(2) of Land Planning and Development (Plans) Ordinance, 2007. It further stated that, in the interests of implementing the policies of the Island Development Plan and replacing the extant Development Plans, the Strategic Land Planning Group

looked forward to the matter being presented to the States for its consideration as soon as possible in the new political term (Appendix 11).

## **6. Public Engagement and Consultation**

- 6.1 There have been many stages of consultation and community engagement undertaken in the preparation of the draft Island Development Plan, which have informed and influenced policy development and have helped to ensure that the draft Plan policies have evolved from a robust evidence base. A detailed report setting out the consultation range and methods entitled 'Draft Island Development Plan, Statement of Consultation and Community Engagement', 2016, is included at Appendix 4.
- 6.2 When reviewing Development Plans there is a legal obligation to undertake a minimum level of consultation and community involvement which is set out in The Land Planning and Development (Plans) Ordinance, 2007 and The Land Planning and Development (Plans Inquiry) Regulations, 2008. These minimum statutory requirements have been fulfilled in producing the draft Island Development Plan.
- 6.3 However, it was recognised that the Island Development Plan will impact, in one way or another, on all of the Island's residents and that, therefore, it was important to exceed the minimum statutory requirements for consultation and to achieve a broad base of engagement. A commitment was made from the outset of the Plan Review process to engage with, and inform, the public, a range of stakeholders and other States departments during the whole of the Plan Review process so that individuals and organisations, as well as States departments had a range of opportunities to get involved in and influence the draft Plan. The creation of a new Island Development Plan is a dynamic process and the responses to the various stages of consultation have informed the development of the draft policies which is considered to be a positive approach which results in a draft Plan which is as robust and relevant as it can be.
- 6.4 The Planning Inquiry into the draft Island Development Plan was conducted by inspectors independent of the former Environment Department, the former Policy Council and all States departments and committees, in accordance with the requirements under section 7 of the Land Planning and Development (Plans) Ordinance, 2007. However, the Planning Inquiry forms an important part of the consultation carried out for the Plan Review process. The Inquiry received 1869 initial and further representations, all of which received a written response from the former Environment Department. A further approximately 190 people took part in the Inquiry Hearings with many more attending in the audience to observe.

- 6.5 It was recognised that various methods of consultation would be required in order to effectively engage with the wide range of the general public, stakeholders, organisations, businesses and statutory consultees at different stages of the Plan Review process. There were two significant stages of public consultation running for eight weeks from January 2012 and seven weeks from July 2013. Consultation also included establishing a database with 699 contacts, the use of social media to reach a wider cross section of the Island community, particularly young people, public information sessions, targeted presentations with key stakeholders and interest groups, local media and consultation across States services and departments.
- 6.6 Throughout the process of formulating the draft Plan nineteen public information sessions have been held in various locations around the Island. These have been particularly effective in engaging with a wide range of Islanders using an informal format and were effective in generating discussion and interest in the process. In excess of 1284 people attended the public information sessions and engaged with the Plan Review helping the gathering of views and opinions to inform the draft Plan. They were also successful in providing a valuable insight into how the Island functions and what people value, from a variety of perspectives, which has helped to inform policy development.
- 6.7 The Development & Planning Authority will publish Supplementary Planning Guidance, as provided for in the Plan, to supplement the Island Development Plan and provide policy interpretation and is committed to provide further guidance which will be developed involving public consultation and stakeholder engagement.

## **7. The Planning Inquiry**

- 7.1 In January 2015, in accordance with the requirements of section 7 of the Land Planning and Development (Plans) Ordinance, 2007, the former Policy Council appointed Mr Keith Holland and Mr Alan Boyland as the independent Planning Inspectors to carry out a public Planning Inquiry into the draft Island Development Plan.
- 7.2 The independent Planning Inquiry was formally opened on the same day that the draft Island Development Plan and Environmental Statement was formally published on 16<sup>th</sup> February 2015. This was the first Public Inquiry for a Development Plan conducted under The Land Planning and Development (Guernsey) Law, 2005 and associated Ordinances. The Planning Inquiry was conducted by inspectors independent of the former Environment Department, the former Policy Council and all States departments and committees, in accordance with the requirements under section 7 of the Land Planning and Development (Plans) Ordinance, 2007.

- 7.3 The purpose of the Planning Inquiry was to consider in particular:
- Whether or not the requirements under sections 8 to 11 of the Land Planning and Development (Guernsey) Law, 2005 and sections 1 to 5 and 8 of the Plans Ordinance have been complied with;
  - Whether or not the proposals are sound, i.e. whether the policies are:
    - The best ones having considered alternatives;
    - Supported by robust and credible evidence;
    - Capable of being implemented and monitored; and
    - Reasonably flexible to respond to changing circumstances, and
  - Whether or not the Environmental Statement includes all matters required under the legislation.
- 7.4 The Planning Inquiry was split into three stages of public consultation:
- Initial Representations – i.e. an opportunity for individuals, groups, societies, agents etc. to comment on the policies in the draft Island Development Plan.
  - Further Representations – i.e. an opportunity for individuals, groups, societies, agents, etc. to respond to any of the Initial Representations.
  - Plan Inquiry Hearing – i.e. an opportunity for individuals, groups, societies, agents, etc. who submitted a representation during Initial or Further Representations to make oral representations to the Planning Inspectors at a public hearing. All the Hearings took the format of a round table, structured discussion chaired by the Inspectors.
- 7.5 All the Initial and Further Representations and the former Environment Departments' written responses to each of the 1,869 representations were made available for review online and printed copies were available at Sir Charles Frossard House.
- 7.6 During the Planning Inquiry the former Environment Department formally submitted a number of proposed amendments to the draft Plan based on its review of the Initial and Further Representations and, in some cases, to address errors or omissions identified following publication of the draft Plan and also setting out its responses to a number of matters that had been raised during the course of the Public Hearings held between 6th and 23<sup>rd</sup> October 2015. These proposed amendments are contained in three documents which can be found in Appendix 6, Appendix 7 and Appendix 8. Appendix 8 provides a summary of the original report for the reasons explained in that report, although the proposed amendments remain unchanged from those considered by the Inspectors. The proposed amendments were subject to public

consultation and representations received were taken into account by the Inspectors.

- 7.7 The Inspectors considered the draft Plan, and the evidence supporting the Plan's provisions including the Environmental Statement, the written representations and responses submitted and the material submitted and discussed at the Inquiry Hearings in October and November 2015. The Inspectors' report of the Inquiry with subsequent recommendations was submitted to the former Environment Department on 4<sup>th</sup> March 2016. The complete document is reproduced in Appendix 5.

## **8. The Inspectors' Recommendations and Overall Conclusion**

- 8.1 The Development & Planning Authority (DPA) welcomes the Inspectors' general support for the policy approach to the draft Island Development Plan. The Inspectors have noted that the draft Plan is required to facilitate the delivery of the States of Guernsey strategic objectives as set out in the Strategic Land Use Plan, as approved by the States of Deliberation on 30<sup>th</sup> November 2011. Accordingly they recognise that it is not open to the Island Development Plan process to challenge or revise the Strategic Land Use Plan and have therefore not made any recommendations that conflict with the strategic objectives of the Strategic Land Use Plan nor have they given weight to representations that seek to change the provisions of the Strategic Land Use Plan.
- 8.2 This Inspectors' report does not seek to individually address each of the representations and responses made and other material considered (including the Environmental Statement) but considers, under a series of headings, the major elements of the draft Plan that go to the heart of what it is seeking to achieve. The Inspectors' report therefore considers the overall soundness of the draft Plan, having considered the relevant representations and other material, in terms of how it relates to the Strategic Land Use Plan and whether, in conjunction with the provisions of the Land Planning and Development (Guernsey) Law, 2005, it provides an appropriate basis for reaching decisions on applications for planning permission. The structure of the Inspectors' report generally reflects that of the draft Plan, though, for the reasons indicated above, not every section is addressed specifically.
- 8.3 The Inspectors' overall conclusion is that:
- a. The former Environment Department (now the Development & Planning Authority) has complied with the statutory requirements under the Land Planning and Development (Guernsey) Law, 2005, and the Land Planning and Development (Plans) Ordinance, 2007, in respect of the preparation and publication of the draft Island Development Plan; and

- b. The proposals set out in the draft Island Development Plan are sound i.e. they are, notwithstanding the recommendations set out in their report:
  - i. The best ones having considered alternatives;
  - ii. Supported by robust and credible evidence;
  - iii. Capable of being implemented and monitored; and
  - iv. Reasonably flexible to respond to changing circumstances.

8.4 The full Inspectors' report can be found in Appendix 5. A full schedule of the amendments recommended by the Inspectors, and relevant proposals map amendments, together with the Authority's conclusions, can be found in Appendix 6.

## **9. The Response of the Development & Planning Authority to the Inspectors' Report**

9.1 The Development & Planning Authority has fully considered the written representations submitted to the Planning Inquiry in reaching its conclusions. The former Environment Department has provided a written response to each of the 1869 initial and further representations received and has proposed amendments to the draft Plan to take into account some of the matters raised through the submission of those representations. The Authority considers this to be a positive approach which results in a draft Plan which is as robust and relevant as it can be.

9.2 The Authority accepts all but two of the Inspectors' recommendations. Whilst it regrets having to disagree with the Inspectors' recommendations in relation to two particular sites, the Authority considers that there are sound planning reasons to justify its conclusions and for the land designations to remain as proposed in the draft Island Development Plan for the reasons set out below.

9.3 The Development & Planning Authority's response to the Inspectors' Report, including its conclusions and reasons, follows the same order as that used by the Inspectors in their report. However, where the Inspectors have concluded that there should be no change to the proposals as shown in the draft Plan, or where the recommendations fully accord with the Authority's proposed amendments set out in the amendment reports (Appendices 6, 7 and 8), it does not generally address the matter specifically in its response below as there would be no purpose in doing so.

## **10. IMPORTANT OPEN LAND**

- 10.1 The draft Island Development Plan recognises that open land is not only important in the rural parts of the Island but also in the Main and Local Centres. The Inspectors recognise that Open land in Centres provides “breathing space”, and contributes to visual amenity and in some instances serves as a recreational amenity and regard these as important considerations.
- 10.2 The Authority is pleased to note that the Inspectors consider that the approach of the draft Plan, to see Important Open Land as being based on landscape and amenity factors, is correct and that ecological considerations are adequately dealt with through the Sites of Special Significance and Areas of Biodiversity Importance policies and designations. The Inspectors also note that there is a lot of support for the open space provisions in the draft Island Development Plan.
- 10.3 Notwithstanding the general support for the approach to the designation of Important Open Land, the Inspectors have recommended that changes be made in respect of three specific sites with regard to their Important Open Land designation and these are considered below.

### **Land at Les Amballes, St Peter Port and Land at Les Cotils, St Peter Port.**

#### ***Inspector’s report page Nos. 27 & 28***

- 10.4 The Authority welcomes the Inspectors’ appreciation of the value of the wider open space designation in this area, the way the land forms part of the large swathe of open space climbing up the hill from St. Peter Port and the importance of an open space setting for the Les Cotils complex.
- 10.5 The land at Les Amballes is identified on Map Extract 1 in Appendix 6. Notwithstanding the above appreciation however, the Inspectors consider that this small individual parcel of land is below the ridge line and, other than from very close views, is not obviously visually part of the wider scarp landscape. They recommend that this land could be removed from the Important Open Land designation without any harm to the function of this area. It is also recommended that this land is omitted from the Area of Biodiversity Importance designation and this is addressed separately below at paragraphs 12.11 to 12.17.
- 10.6 The land at Les Cotils is identified on Map Extract 2 in Appendix 6. In relation to this area of land the Inspectors consider the critically important part of the site from an open space/setting point of view is the Area of Biodiversity Importance and the grassed area which is situated to the east of the buildings, between the buildings and the trees along the scarp edge. They consider that, outside of the Les Cotils site, Cambridge Park is clearly a significant open space that

contributes to the overall character of the area while Beau Séjour is a dominant building that has a substantial impact on the area. They conclude that the area lying between the Les Cotils buildings and Beau Séjour does not serve any clear open space purpose and that the parts of the Les Cotils site referred to in representation IR397 can be removed from the Important Open Land designation without harm to the concept of Important Open Land.

#### Response of the Development & Planning Authority

- 10.7 Within the Main Centres and Main Centre Outer Areas there are areas of open land that provide 'breathing space' within the built environment. These are important to protect, not only in order to retain areas that provide visual amenity and separation between settlements, but also to prevent the potential wholesale development of the Main Centres and the Main Centre Outer Areas and the subsequent loss of important open spaces within them. They also have the function of ensuring urban brownfield sites are targeted for development ahead of these arguably easier to develop open areas. The special qualities of these areas need to be protected from insensitive or inappropriate development that could detract from their value and the amenity that they provide.
- 10.8 Within St Peter Port, areas proposed as Important Open Land include swathes of land that are not interrelated in terms of access or visual connectivity but, as a group, form part of a 'green wedge' in the urban landscape. These areas define the characteristic settlement pattern of St Peter Port and are sensitive to change, particularly when experienced cumulatively and sequentially as part of the wider landscape.
- 10.9 The Les Cotils land is part of an extensive area made up of a number of discreet pockets of open land that individually need to be protected to retain the strategic value of the 'green wedge'. It is considered important to retain these 'green wedges' as a key component in the structure of the settlement. The area creates an attractive setting to this part of Town and the Les Cotils buildings, contributing to the character of the Conservation Area. The area is prominent in views, sensitive to change, an important landscape feature and a longstanding part of the structure of the settlement in this location.
- 10.10 Both of the sites identified by the Inspectors fall within the Les Cotils Important Open Land area which forms part of an almost unbroken corridor of green spaces running through Town from Valnord Lane to Les Cotils. As part of the Les Cotils Important Open Land both sites contribute to the wider character of the Conservation Area, the landscape feature and character in this location.
- 10.11 However, areas of Important Open Land represent swathes of open land which have been recognised for their collective value rather than, necessarily, the

merits of individual sites and have been broadly drawn so that they may include built elements. In assessing these two identified sites the Authority considered their value was a collective one, as part of a larger swathe of open land. As such the omission of the sites from the area of Important Open Land, individually, will not unacceptably compromise the larger open area or its purpose and will not, therefore, diminish the character of the settlement pattern. Neither of the sites, when considered individually, rather than as part of a larger open area, are important in terms of separating otherwise developed areas and they have limited amenity value.

- 10.12 The Authority remains of the opinion that the collective value of Important Open Land is important and it may be made up of a number of discreet pockets of open land that individually need to be protected to retain the strategic value of the designation. However, taking into consideration the recommendations and reasons given by the Inspectors it has concluded that the omission of the land at Les Amballes and at Les Cotils (as shown on Map Extracts 1 and 2 respectively in Appendix 6) from the Important Open Land designation, would have a minimal impact on the wider area designated and would not undermine the purpose of the designation or the intent of the policy and would still accord with the Principal Aim of the draft Plan and its Objectives. Omission of the designation as recommended by the Inspectors will allow the principle of development on the sites in accordance with the draft Plan policies however, other relevant policies are sufficiently robust to exercise appropriate control over impacts.

#### Conclusion

- 10.13 Accept the Inspectors' recommendation for areas of Land at Les Amballes, St Peter Port and Land at Les Cotils, St Peter Port and amend the Proposals Map accordingly.

#### **Land at Mont Arrive, St Peter Port**

*Inspector's report page No. 28*

- 10.14 The Inspectors have noted that there is a lot of support for the open space provisions in the draft Island Development Plan and they recognise that Open land in Centres provides "breathing space", and contributes to visual amenity and regard these as important considerations.
- 10.15 Notwithstanding the general support for the approach to the designation of Important Open Land in the draft Plan, the Inspectors have recommended that land at Mont Arrive, St Peter Port be reviewed in terms of its Important Open Land designation with a view to excluding the front two thirds of the site on the road frontage from the designation.

- 10.16 The Inspectors conclude that the critical part of this open area is the land designated as an Area of Biodiversity Importance at the rear of the site (Eastern part of the site). They consider that development along the Mont Arrivé road frontage would clearly change the appearance of the immediate area but given its position within a built up part of St. Peter Port they do not consider that the whole of the site should be designated as Important Open Land. The inspectors acknowledge that there is no clear feature on the ground that would provide a logical boundary but conclude that the Important Open Land status of the site should be reviewed with a view to excluding the front two thirds of the site from the Important Open Land designation. Their view is that this could be done without harming the adjacent Area of Biodiversity Importance.
- 10.17 The Authority agrees with the Inspectors that there is no clear feature on the ground that would provide a logical boundary when considering this area of land. In determining what might be considered the front two thirds of the site on the road frontage, referred to in the Inspectors' recommendation, the Authority has taken a line of sight between the boundaries of residential properties to the north east of the site and the boundary of the proposed Area of Biodiversity Importance to the south east of the site. This is a method which has been used consistently throughout the draft Plan to determine boundaries where no physical demarcation is apparent. The land is identified on Map Extract 3 in Appendix 6.

#### Response of the Development & Planning Authority

- 10.18 Within St Peter Port, areas proposed as Important Open Land include swathes of land which form 'green wedges' in the urban landscape, and more isolated areas that the settlement has grown around that provide amenity for local residents. These areas define the characteristic settlement pattern of St Peter Port, provide visual amenity and separation between settlements, and also prevent the potential wholesale development of the Main Centres and the Main Centre Outer Areas and the subsequent loss of important open spaces within them. They also have the function of ensuring urban brownfield sites are targeted for development ahead of the, arguably, easier to develop open areas. By identifying these areas the intention is to protect and enhance the landscape character and visual quality and amenity of an area and the characteristics of the settlement pattern.
- 10.19 Mont Arrive and La Neuve Rue form part of the setting of St Peter Port on the escarpment. The Authority notes that the Inspectors consider that the approach, to see Important Open Land as being based on landscape and amenity factors, is correct. In its evidence report 'Survey of 'Important Open Land' in Proposed Main Centres and Local Centres – October 2014 the former Environment Department concluded that an area of land that has amenity value would be one that is valued by residents by virtue of the contribution the

land makes to visual amenity (i.e. contributes to local character or provides a pleasant open outlook). Land that has been visually open or accessible over a long period will have particular value. There is longstanding recognition of the importance and value of the identified land in the urban setting having been designated as an Area of Landscape Value in the Urban Area Plan.

- 10.20 The identified land is not publicly accessible but makes a significant contribution to the visual amenity and landscape character of the area. It is open to views from Mont Arrive over a low stone wall and comprises open fields. The area is also discernible from the coast. Particularly, due to the location of the land high on the escarpment, views to the north and north east across the site connect this open area with the rural marais landscape beyond the Main Centre. Similarly, views across the site to the east offer vistas of the sea and nearby Islands. In an otherwise densely developed suburban area, the fields provide a sense of openness and connection with the countryside and seascape beyond the urban Centre. Photographs 1, 2, 3 and 4 in Appendix 6 illustrate these views and character of the land.
- 10.21 This land is a key feature in the structure of the settlement in this location, with residential properties that have an open view across the land. The land is a prominent feature in the local townscape. It forms an important pocket of green space within St Peter Port, contributing to the character of the Conservation Area and forms part of middle/long distance views of St Peter Port as part of the escarpment.
- 10.22 The special qualities of these open areas need to be protected from insensitive or inappropriate development that could detract from the value and the amenity that they provide. Omission of the designation arising from a review recommended by the Inspectors would allow the principle of development on the land in accordance with the draft Island Development Plan policies. The Inspectors' recommendation relates to a representation made to the Planning Inquiry (IR454). The representation specifically requests that the designation be reviewed so that the site can contribute to the supply of land for new housing. The draft Island Development Plan provides for a sufficient supply of land for new housing development for the first 5 years of the Plan period as required by the Strategic Land Use Plan. There is no requirement, therefore, to identify additional sites for housing.
- 10.23 The Strategic Land Use Plan states that the quality of Guernsey's natural environment is important, not simply for its inherent value, but for its contribution to quality of life and social wellbeing and to the Island's economy. Omission of part of the designation as recommended by the Inspectors would remove the protection offered to this pocket of open land in an otherwise densely developed area of St Peter Port, to the significant detriment of the visual amenity and landscape character of this area and the characteristics of

the settlement of St Peter Port which would undermine the principles and purpose of the Important Open Land designation.

### Conclusion

10.24 Reject the Inspectors' recommendation for the reasons set out above.

## **11. LOCAL CENTRES**

- 11.1 In accordance with the Strategic Land Use Plan, the Island Development Plan has identified a number of Local Centres which are based on an assessment of services and facilities that contribute to the area's ability to meet social, economic and environmental needs in a sustainable way.
- 11.2 In accordance with the spatial strategy of the Strategic Land Use Plan, opportunities for new development within the Local Centres will be limited. It is important to note that Local Centres are not intended to be growth points. The intention is that development in Local Centres will account for only a small percentage of the Island's growth. The extent of appropriate development will be determined by the current scale and function of each Local Centre to ensure that new development complements their existing roles and supports them as socially inclusive, healthy and sustainable communities and that development within them does not detract from the objective of ensuring the Main Centres and the Main Centre Outer Areas remain the core focus for economic and social growth.
- 11.3 There were a number of representations at the Planning Inquiry proposing additional and alternative Local Centres to those proposed in the draft Plan. Having considered the representations the Inspectors recommend no changes to the sections and policies of the draft Plan relating to the designation of Local Centres. They considered that the process for identifying Local Centres has been comprehensive and logical and they agree with the designation of the Local Centres proposed in the draft Plan. The Inspectors' report addresses their consideration of representations suggesting specific additional Local Centres.
- 11.4 The Inspectors consider that the draft Island Development Plan adopts the correct approach by seeking to draw Local Centre boundaries that provide certainty and reinforce the concentration approach detailed in the Strategic Land Use Plan. The Authority welcomes their conclusion that they generally agree that it is necessary to keep the boundaries relatively tightly drawn around the Local Centres and that Policies LC2 to LC7 provide for a range of development and facilities in Local Centres. They recognise that the flexibility introduced by these policies is designed to meet the Strategic Land Use Plan

requirement for reinforcing sustainable Centres and regard this as a sensible approach.

### **Housing in Local Centres - Specialised Housing**

*Inspector's report page No. 23*

- 11.5 The Authority is pleased to note that the Inspectors recognise that additional flexibility within the Local Centres is provided for in the case of existing specialised housing in Policy LC2. However, they agree with the contention of an objector that the phrase "in exceptional circumstances" in Policy LC2 and the explanatory paragraph 12.1.4 is unclear and recommend that amendments are made which will also be consistent with the approach taken in other parts of the draft Plan.

#### Response of the Development & Planning Authority

- 11.6 The Inspectors have noted that the Local Centres are not intended to be growth points and development within them is intended to have the specific purpose of enabling community growth and the reinforcement of sustainable centres. The extension and alteration of specialised housing facilities in Local Centres is generally supported by the draft Plan policies. The reference to 'exceptional circumstances' in Policy LC2 relates to a dispensation for this type of housing, to extend beyond the Local Centre boundary in certain circumstances, in recognition of its particular contribution to community growth and the reinforcement of sustainable centres.
- 11.7 However, the Authority acknowledges that the instances of such development are likely to be limited and that the other relevant policies of the draft Plan are sufficient to exercise appropriate control over impacts. The deletion of the phrase 'in exceptional circumstances' from Policy LC2 and paragraph 12.1.4 would not result in development which would undermine the purpose of the Local Centres or the intent of the policy and would ensure consistency with other parts of the draft Island Development Plan.
- 11.8 The replacement of the word "need" in paragraph 12.1.4 with "are proposed", which is also recommended by the Inspectors, is proposed in the report 'Proposed Amendments to the Draft Island Development Plan' September 2015 (see Appendix 7 – PA 18).

#### Conclusion

- 11.9 Accept the Inspectors' recommendation.

## **Local Centre Boundaries**

*Inspector's report page No. 41*

- 11.10 Local Centre boundaries have been identified in the Island Development Plan by consistently applying the criteria and methodology outlined in the report 'Identifying Local Centre Boundaries', September 2014. The Authority is pleased that the Inspectors consider that the process for identifying Local Centres has been comprehensive and logical, that they agree with the designation of the Local Centres proposed in the draft Plan and that they recommend no changes to the sections and policies of the draft Plan written statement relating to the designation of Local Centres.
- 11.11 Notwithstanding their general support for the approach in the draft Plan to the designation of Local Centres, the Inspectors have recommended that adjustments be made to the boundaries of three of the Local Centres at Cobo, L'Aumone and L'Islet and that an additional Local Centre be identified at Forest West.

## **Cobo Local Centre Boundary**

*Inspector's report page No. 41*

- 11.12 The Authority welcomes the support of the Inspectors for the logic of the Cobo Local Centre boundary which, they consider, relates well to the present urban form. The boundary either marks areas where the built development adjoins open land or where there is a noticeable change in density.
- 11.13 However, they do not consider that the exclusion of the small area of open land at the junction of the Route de Cobo and the Cobo Coast Road appears logical and they do not find the former Environment Department's justification for excluding it from the Centre, regarding density change and views back to the Centre, convincing. They recommend that, bearing in mind the inclusion of other properties in the vicinity on the south side of Route de Cobo, this small open area should be included within the Local Centre. The land is identified on Map Extract 4 in Appendix 6

## Response of the Development & Planning Authority

- 11.14 The southern extent of the Cobo Local Centre excludes an open green space where Route de Cobo meets Cobo Coast Road which the former Environment Department considered had a stronger relationship with coastal land to the south than to the more built-up Local Centre character. However, the Spatial Strategy of the Strategic Land Use Plan allows for limited development within Local Centres and the extent of this land would not compromise that strategy should it be included within the Local Centre boundary. The Strategic Land Use Plan also emphasises that change should sustain the special character of

Guernsey's distinctive landscape qualities and countryside features. This site, although open and pleasant, does not have distinctive landscape qualities or countryside features.

- 11.15 The inclusion of this land within the Local Centre as recommended by the Inspectors will allow the principle of development on the site in accordance with the draft Plan policies however, other relevant policies are sufficiently robust to exercise appropriate control over impacts.
- 11.16 The Authority has considered the recommendation of the Inspectors and accepts their reasoning that this land could logically be included within the Local Centre boundary without compromising the Aim and Objectives of the draft Plan or the spatial strategy or intentions of the Strategic Land Use Plan. As this is a minor matter in the context of the Island Development Plan, the Authority is willing to accept the Inspectors' recommendation in the interests of delivering the Island Development Plan as a whole.

#### Conclusion

- 11.17 Accept the Inspectors' recommendation and amend the Proposals Map accordingly.

#### **L'Aumone Local Centre Boundary**

*Inspector's report page No. 43*

- 11.18 The Inspectors recognise that the designated L'Aumone Local Centre occupies a very compact area clearly focussed on community facilities, the petrol filling station and the convenience store. Notwithstanding the relatively few Local Centre facilities, the concentration of the facilities gives the Centre a clear sense of having a functional core.
- 11.19 However, they do not find that the north east boundary of the proposed Centre is logical. The house on the corner of Rue du Friquet and L'Aumone is included in the boundary whereas the other three properties to the north along Rue du Friquet are excluded for no clear reason. There is a strong tree screen to the rear of these properties. They recommend that the north east boundary of L'Aumone Local Centre is adjusted to include the three properties to the north of the existing boundary along the Rue du Friquet and thereby logically taking the L'Aumone Local Centre boundary to the limit of the Agriculture Priority Area. The land is identified on Map Extract 5 in Appendix 6.

### Response of the Development & Planning Authority

- 11.20 The focus of this Local Centre is around a compact area of commercial and community premises around the junction of L'Aumône and La Neuve Rue. Swathes of open agricultural land extend to the north, south and west of the Local Centre. These serve to contain development and have the effect of a green belt in enclosing L'Aumône.
- 11.21 To the north, this open rural land has been excluded from the Local Centre because of its valuable contribution to open space including visual access to open space. However, the land identified by the Inspectors is associated with residential properties and the Authority agrees with the Inspectors' conclusion, that the adjustment of the Local Centre boundary to include the three properties to the north of the existing boundary along the Rue du Friquet, appears logical and would align the L'Aumone Local Centre boundary to the limit of the Agriculture Priority Area. This adjustment would not compromise the contribution of the wider open area to the setting of the Local Centre.

### Conclusion

- 11.22 Accept the Inspectors' recommendation and amend the Proposals Map accordingly.

### **L'Islet Local Centre Boundary**

*Inspector's report page No. 43*

- 11.23 The L'Islet Local Centre is relatively extensive but has a clear commercial core at the junction of Les Tracheries Road, Les Petites Mielles, La Route du Picquerel and La Route de L'Islet.
- 11.24 However the Inspectors consider that the "gateway" on Route Carré identified in the draft Plan is not convincing. They consider that the Marks and Spencer retail store is of obvious importance to the functioning of the centre and conclude that it would be more logical for the Local Centre boundary to be extended to include this retail unit. On the other side of Route Carré, they consider that the Ker Maria sheltered housing development is a prominent group of buildings that form a much more convincing gateway to the Local Centre.

### Response of the Development & Planning Authority

- 11.25 'Gateways' to the L'Islet Local Centre are identified on La Route du Picquerel, La Route de L'Islet, Route Carré and Les Tracheries Road. To east and west these are in relatively close proximity to the middle of the Local Centre. However, to the north and south, the gateways are further out and more difficult to

determine. They were identified taking into consideration the pattern of development, location of facilities and presence of landmark buildings. In identifying the L'Islet Local Centre boundary to the south it was concluded that on approaching from the south along Route Carré, an impression of arrival is given by the cluster of buildings at the junction with Sandy Hook and Les Petites Mielles.

- 11.26 However, the Authority accepts that the boundary could just as logically be located to include the areas identified by the Inspectors for the reasons they have given. The extent of the Local Centre as proposed would not compromise the spatial strategy of the Strategic Land Use Plan. As this is a minor matter in the context of the Island Development Plan, the Authority is willing to accept the Inspectors' recommendation in the interests of delivering the Island Development Plan as a whole.
- 11.27 The Authority has redefined the Local Centre boundary to the south of L'Islet to now encompass the Marks and Spencer premises and Ker Maria sheltered housing development off Route Carré as recommended by the Inspectors. This has entailed the inclusion of a number of other residential properties within the Local Centre. The identification of the adjusted boundary line has been carried out in accordance with the methodology used when identifying all other Local Centre boundaries in the draft Island Development Plan. The extent of the proposed boundary amendment is identified on Map Extract 6 in Appendix 6.

#### Conclusion

- 11.28 Accept the Inspectors' recommendation and amend the Proposals Map accordingly.

#### **Identification of an additional Local Centre at Forest West**

*Inspector's report page No. 46*

- 11.29 The Inspectors acknowledge that the former Environment Department undertook a comprehensive three stage assessment process to identify Local Centres in the draft Island Development Plan and generally support this process. Whilst agreeing with the designation of the Forest Local Centre as identified in the draft Plan, they highlight that this Centre presents something of a dilemma because there are Local Centre type facilities both to the east of the entrance to the airport in the identified Local Centre but also in a cluster to the west of the airport entrance.
- 11.30 They suggest that, arguably, the two sets of facilities could be linked and the airport included within the centre but that on the other hand the open land to the south of Rue des Landes clearly separates the two areas and the airport is a

specialised land use that is not related to what one would expect to find in a Local Centre.

- 11.31 They recommend that the area to the west of the airport entrance, including the Mallard Centre, garage/convenience store, the Venture Inn, the Forest Primary School and the Le Rondin School and Child Development Centre should be considered as an additional, Forest West, Local Centre. They acknowledge that they are not in a position to recommend the precise boundaries of such a Centre but consider that this is a matter for the DPA to progress.

#### Response of the Development & Planning Authority

- 11.32 As directed by the Strategic Land Use Plan, the identification of Local Centres in the draft Plan is based on an assessment of 'sustainability indicators', i.e. those services and facilities that contribute to an area's ability to meet local social, economic and environmental needs such as doctors' surgeries, public transport links, general convenience stores selling fresh produce, public open space, etc. The Authority considers a sustainable Local Centre has a clear and identifiable mix of uses containing a range of sustainability indicators within a reasonable walking distance. It is considered that a general convenience store selling fresh food and produce is a necessary element of a Local Centre.
- 11.33 The proposed Forest West Local Centre has an average range of facilities and sustainability indicators and the necessary general convenience store selling fresh food and produce. It is a compact centre with a small residential catchment and has within it, opportunities for improvement. It has a good bus service and an average pedestrian environment. The designation of Forest West as a Local Centre would accord with the methodology applied for the identification of Local Centres in the draft Plan as set out in the report 'Identifying Local Centres' July 2015.
- 11.34 The former Environment Department, in determining the boundaries for Forest Local Centre, considered the option of including the cluster of facilities to the west of the airport entrance within the Local Centre boundary. As the Inspectors have also highlighted, it noted that the open land to the south of Rue des Landes clearly separates the two areas and the airport is a specialised land use that is not related to what one would expect to find in a Local Centre. As reflected in its responses to representations at the Planning Inquiry, it did not consider it appropriate to increase the extent of the Forest Centre to the west to include this area as this would reduce the compactness of the Local Centre and would result in the creation of a much larger development area that would provide for more than the limited development required by the Strategic Land Use Plan. This would have been inconsistent with the aims of the Strategic Land Use Plan for Local Centres and the spatial policy of the draft Plan (Policy S1) and could have undermined the vitality and viability of the Main Centres.

Including the area to the west, around the primary school and Douzaine room in the Forest Local Centre would result in pressure for development of open land and horticultural sites in close proximity to the airport and in areas of valuable open landscape and would be disproportionate to the amount of development appropriate within a Local Centre.

- 11.35 The Authority has considered the Inspectors' recommendation to identify an additional Local Centre at Forest West rather than extending Forest Local Centre boundary to the west. Whilst this prevents the negative impacts of the potential development of open areas between the two clusters of facilities there were initial concerns about the impacts of two Local Centres in close proximity and how they might have a negative impact on each other's function. However, following the Inspectors' recommendation the Authority has reviewed the facilities and indicators at each proposed centre and the character of each.
- 11.36 The Local Centre at the Forest is small but is supported by a range of facilities including convenience retail, a Post Office, public houses and the Parish Church. It is an historic centre with limited development potential. It has a distinctive character based on an historic hamlet with a well-cared-for public realm giving it a community feel. The proposed additional Local Centre at Forest West is also supported by a range of facilities. However, although some of these, such as a convenience retail store and public house can also be found in Forest Local Centre many of the facilities are of a different nature such as schools and community amenity areas, indoor leisure and recreational facilities, a take away, and community facilities in the form of the Douzaine room. It also has greater potential for development of a scale appropriate to the Centre which counteracts, somewhat, the very limited potential in Forest Local Centre. In considering this matter further the Authority has concluded that, rather than competing with each other, their different scales and nature of facilities would mean that the two Centres are more likely to be mutually supportive.
- 11.37 For the reasons set out above the Authority concludes that the identification of an additional Local Centre at Forest West as recommended by the Inspectors would accord with the spatial strategy of the Strategic Land Use Plan, the Aim and Objectives of the draft Plan and the methodology the former Environment Department and the Authority have consistently used to identify Local Centres in the Island Development Plan. The extent of the proposed additional Local Centre at Forest West is identified on Map Extract 7 in Appendix 6.
- 11.38 The Inspectors consider that identifying the boundaries of the Forest West Local Centre is a matter for the DPA to progress although they have set out what sites they do think should be included. In this respect the Authority is pleased to note that the Inspectors consider that the Island Development Plan

adopts the correct approach by seeking to draw Local Centre boundaries tightly in order to support the spatial strategy of the Strategic Land Use Plan.

- 11.39 In defining the boundaries, it is considered important to include as many identified facilities within the extent of the Local Centre as reasonably possible in order to strengthen the Local centre as a sustainable location, while recognising the characteristics of the individual place. The proposed boundaries of the Forest West Local Centre have been identified using the same methodology and criteria used in identifying all other Local Centres in the draft Plan. This approach is considered comprehensive and logical by the Inspectors. The details of the methodology for identifying the Forest West boundary is set out in the report 'Identifying Local Centre Boundaries, September 2014: Addendum Report' March, 2016 (see Appendix 9).

### Conclusion

- 11.40 Accept the Inspectors' recommendation and amend the Proposals Map accordingly.

## **12. GENERAL POLICIES**

### **Areas of Biodiversity Importance – the Foreshore**

*Inspector's report page No. 67*

- 12.1 The Inspectors have recognised that the foreshore areas of the Island are undoubtedly important from an environmental point of view but that there are practical difficulties to designation as a Site of Special Significance. This is principally because, under Planning legislation, designation as a Site of Special Significance could extend the definition of development requiring planning permission to include many activities which currently take place on the foreshore, including digging for bait, harvesting and stone turning.
- 12.2 The DPA is pleased to note that the Inspectors accept the view of the former Environment Department that it would be impractical and unnecessary to bring all these traditional foreshore activities within the scope of the planning legislation. They further note that, in addition, any major development which required planning permission that posed a threat to the foreshore areas, would be likely to require an Environmental Impact Assessment under the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 and that accordingly they do not consider that the environmental quality of the foreshore is seriously threatened by the absence of a Site of Special Significance designation.
- 12.3 The Inspectors have noted, however, that designating the foreshore areas as Area of Biodiversity Importance would not introduce the complication of the

extended definition of development that applies with Sites of Special Significance status. They highlight part of the evidence base for the draft Plan, the Gilmore and Hooper Report 2014 'Appraisal of Sites of Special Significance' and consider that this provides adequate evidence for the Authority to decide which parts of the foreshore should be designated as Area of Biodiversity Importance.

- 12.4 The Authority welcomes the Inspectors' agreement with its view (and that set out in the Gilmore and Hooper Report 2014) that the commercial harbours of St Peter Port and St Sampson, the Beaucette Marina and the reclaimed land at Longue Hougue should be excluded from the designation.

#### Response of the Development & Planning Authority

- 12.5 The Land Planning and Development (Guernsey) Law, 2005 states that Planning Law applies to the island of Guernsey, including the foreshore and any land reclaimed from the sea, and all islands, islets and rocks lying adjacent to the island whether or not they are connected at any state of tide to it (section 94). Most of the development control parts of the Law do not apply to the Islands of Herm and Jethou.
- 12.6 The foreshore is not an area which is likely to come under significant pressure for development as a whole. The designation of the foreshore as an Area of Biodiversity Importance will not prevent development under the policies of the draft Plan, but development impacting on an Area of Biodiversity Importance will, under the terms of policy GP3, have to meet suitably stringent tests and designation will afford a higher level of consideration of impacts of proposed development on biodiversity in this sensitive area. Any major development in the foreshore areas which require planning permission, would be likely, in any case, to require an Environmental Impact Assessment under the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007.
- 12.7 The former Environment Department's report submitted to the Planning Inquiry 'Matters Arising from the Planning Inquiry Hearings into the Draft Island Development Plan – 6<sup>th</sup> October to 23<sup>rd</sup> October 2015' indicated that it would not object to the principle of the foreshore (excluding the commercial harbours of St Peter Port and St Sampson, Beaucette Marina and the reclaimed land at Longue Hougue) being designated as an Area of Biodiversity Importance. A summary of this report can be found at Appendix 8.
- 12.8 The Inspectors have highlighted the relevance of the evidence report "Appraisal of sites of Special Significance" Gilmore and Hooper, 2014, which assessed the intertidal area of the island. This report concluded that the whole of the intertidal area of the island (excluding the commercial harbours of St Peter Port and St Sampson, Beaucette Marina and the reclaimed land at Longue Hougue)

was of biodiversity importance and the Authority is satisfied that the expert advice in the evidence report indicates that the whole of the intertidal area (with the exclusions as noted above) is worthy of Area of Biodiversity Importance designation.

- 12.9 The DPA does not, therefore, object to the designation of Area of Biodiversity Importance being applied to the foreshore and those islands, islets and rocks lying adjacent to the island that fall within the extent of the Planning Law as set out above, and which are not already proposed as Sites of Special Significance within the draft Plan, as this will afford an appropriate level of consideration to be given to the impacts of development on biodiversity in these areas whilst still providing for the principle of development, where appropriate, in accordance with the Principal Aim of the draft Plan and Plan Objectives . However, it is considered that the commercial harbours (St Peter Port, St Sampson and Beaucette Marina) and the land reclamation site at Longue Hougue should be excluded from the designation as agreed and recommended by the Inspectors. The extent of the area to be designated is shown on Map Extract 8 in Appendix 6 and will be identified as Area of Biodiversity Importance – Foreshore.

#### Conclusion

- 12.10 Accept the Inspectors' recommendation and amend the Proposals Map and text of the draft Island Development Plan accordingly.

#### **Areas of Biodiversity Importance – Land at Les Amballes, St Peter Port.**

*Inspector's report page No. 67*

- 12.11 The Inspectors have recommended that changes be made in respect of a specific site with regard to its Area of Biodiversity Importance designation. The recommendation relates to an area of land at Les Amballes, St Peter Port which is identified on Map Extract 1 in Appendix 6. The Inspectors conclude that this is a very small area of land which forms part of the Les Cotils/Rope Walk area in St Peter Port. They consider that, in biodiversity terms, this land is not clearly visually important as part of the wider scarp landscape and does not appear to contain any flora or fauna that would justify its inclusion in the Area of Biodiversity Importance.

#### Response of the Development & Planning Authority

- 12.12 The Authority is pleased to note that the Inspectors have not raised any concerns, generally, about the approach to the designation of Areas of Biodiversity Importance as set out in the evidence report 'Approach to the Designation of Areas of Biodiversity Importance' October 2014. This approach assessed the Island's most important Sites of Nature Conservation Interest to

see which would meet the criteria for designation as a Site of Special Significance. The Sites of Nature Conservation Interest remaining following the identification of the Sites of Special Significance were designated as Areas of Biodiversity Importance in the draft Island Development Plan. This accords with the feedback received at the second stage of public consultation on the review of the Island's Development Plans where respondents felt that there should be no reduction in the level of protection afforded by the existing Development Plans.

- 12.13 The identified land is included as part of a wider Area of Biodiversity Importance which forms the wooded escarpment in this area. The site was previously identified as a Site of Nature Conservation Interest in the Urban Area Plan and so its designation as part of the Area of Biodiversity Importance is entirely consistent with the approach to designation set out in the evidence report.
- 12.14 Taking into consideration the recommendations and reasons given by the Inspectors, the former Environment Department concluded that the omission of the land at Les Amballes (as shown on Map Extract 1 in Appendix 6) from the Area of Biodiversity Importance, would not have a significant effect on the wider designation, would not undermine the purpose of the designation or the intent of the policy and would still accord with the Principal Aim of the draft Plan and its Objectives. It concluded that, as this is a minor matter in the context of the Island Development Plan, it was willing to accept the Inspectors' recommendation in the interests of delivering the Island Development Plan as a whole.
- 12.15 The Development & Planning Authority has noted that the Strategic Land Use Plan requires the Island Development Plan to contain policies that resist the unnecessary loss of significant areas of biodiversity. Policy SLP30 of the Strategic Land Use Plan requires: "Through the preparation of the Development Plans the Environment Department (now the DPA) will provide measures to maintain biodiversity through the protection and enhancement of key habitats and landscapes". It has further noted that the consistent methodology applied to identify Areas of Biodiversity Importance was to bring forward those sites previously identified as Sites of Nature Conservation Interest in the Rural and Urban Area Plans (remaining following the identification of the Sites of Special Significance) as Areas of Biodiversity Importance in the draft Island Development Plan and that this accords with the feedback received at the second stage of public consultation. The available evidence demonstrates that the site forms part of a wider Area of Biodiversity Importance identified as providing areas which are good for nesting and foraging birds and which allow mixed feeding parties into the heart of Town. There is no evidence provided to the contrary.

12.16 Notwithstanding the conclusions of the former Environment Department on the Inspectors' report in respect of this site, and the decision of the former Strategic Land Planning Group not to comment on those conclusions, the Development & Planning Authority considers that the omission of this site from the Area of Biodiversity Importance would not be consistent with the evidence in its report 'Approach to the Designation of Areas of Biodiversity Importance, 2014' (which can be found on the States website at <https://www.gov.gg/planningpolicy>) which identified the site as part of a wider area of biodiversity importance. The retention of the site would be consistent with the methodology applied consistently to identify Areas of Biodiversity Importance in the draft Island Development Plan, would be supported by the intentions of Policy SLP30 of the Strategic Land Use Plan, the purposes of the Planning Law and the available evidence. The Development & Planning Authority does not, therefore, agree with an amendment to the Island Development Plan to omit the area of land at Les Amballes, which is identified on Map Extract 1 in Appendix 6, from the Area of Biodiversity Importance and considers that it should remain as proposed by the draft Island Development Plan.

#### Conclusion

12.17 Notwithstanding the conclusions of the former Environment Department and the decision of the former Strategic Land Planning Group not to comment on those conclusions, the Development & Planning Authority rejects the proposed amendment of the draft Plan to omit the site from the Area of Biodiversity Importance and it should remain as proposed by the draft Island Development Plan as an Area of Biodiversity Importance.

#### **Areas of Biodiversity Importance – Land at Les Prins, Vale**

##### ***Inspector's report page No. 68***

12.18 At the Planning Inquiry representations IR986 and FR234 requested the removal of the Area of Biodiversity Importance designation from an area of land at Les Prins, Vale which is identified on Map Extract 9 in Appendix 6. The initial request proposed the omission of a significant area to the south east of the dwelling forming a field as well as the curtilage of the dwelling to its southwest, from the Area of Biodiversity Importance designation.

12.19 At the Planning Inquiry Hearings the representor presented an alternative proposal for the omission only of the area which formed the curtilage of the dwelling to its south west and running along the road frontage. The Inspectors asked that consideration be given to this revised proposal.

12.20 The former Environment Department revisited the site and the evidence reports 'Appraisal of Sites of Special Significance' Gilmour and Hooper,

Environment Guernsey and 'Approach to the Designation of Areas of Biodiversity Importance' Environment Department October 2014 and carried out further consultation with Environment Guernsey about the biodiversity value of the specific site. This concluded that the function of the site was as a habitat corridor which created a bridge between two Sites of Special Significance, providing a link so that, potentially, both animals and plants can move between the areas. Whilst acknowledging that the smaller site proposed is recognised as domestic curtilage associated with the dwelling to the North East the view remained that the entire site was important for its function as a wildlife corridor between proposed Sites of Special Significance.

- 12.21 The Inspectors have noted the former Environment Department's comments, specifically the point that this land forms a habitat corridor. The Authority welcomes the Inspectors' recognition that the land does in fact serve this function. However they conclude that this function is essentially provided by the grassland part of the site which has now been removed from the proposal and that, notwithstanding the flexibility offered in the draft Plan to householder development, inclusion of the small area of hard-standing and the area where there is planning permission for a garage does not make sense in biodiversity terms and they should be excluded from the designation. The Inspectors do not believe that excluding these areas would undermine the biodiversity function of the site as a whole.

#### Response of the Development & Planning Authority

- 12.22 The part of the site which is now the subject of the representation, is recognised as domestic curtilage associated with the dwelling to the North East. It contains some hard standing areas and there is planning permission for a domestic garage to be built on the site.
- 12.23 The special interest of the site is its status as a wildlife corridor however this function is primarily performed by the open field to the south west of the dwelling which is now removed from the representation. Although the function of the wildlife corridor could be diminished because the omission of the smaller area of land would sever the link between the two Sites of Special Significance, the Authority has noted the presence of significant barriers to the potential movement of some wildlife between the two areas in the form of walls and the main coast road.
- 12.24 The Authority has reconsidered the matter in the light of the recommendation of the Inspectors. Taking into consideration the reasons given by the Inspectors the Authority has concluded that the omission of the, now much smaller, area at Les Prins, Vale (as shown on Map Extract 9 in Appendix 6) from the Area of Biodiversity Importance, would not have a significant effect on the wider designation. Further, given the built development on the site and that for which

planning permission exists, and the presence of existing barriers between the Sites of Special Significance, this amendment would not significantly undermine the function of the site as a wildlife corridor. Omission of this land from the Area of Biodiversity Importance designation would not unacceptably undermine the purpose of the wider designation or the nearby Sites of Special Significance and would still accord with the Principal Aim of the draft Plan and its Objectives. Furthermore the Authority has noted that the smaller area of land now identified was not previously identified as a Site of Nature Conservation Importance in the Rural Area Plan. It considers that Policy SLP30 of the Strategic Land Use Plan, which requires the Development Plan to provide measures to maintain biodiversity through the protection and enhancement of key habitats and Landscapes, would, therefore still be met if this area of land is omitted from the Area of Biodiversity Importance.

### Conclusion

- 12.25 Accept the Inspectors' recommendation and amend the Proposals Map accordingly.

### **Sites of Special Significance – Land at Rue des Salines, St Pierre du Bois**

*Inspector's report page No. 68*

- 12.26 The Inspectors have highlighted that the draft Island Development Plan introduces a two tier approach to environmental considerations which does not downgrade the importance of environmental considerations. They acknowledge that, if anything, the approach enhances the protection of the environment by identifying, as a top tier category, Sites of Special Significance.
- 12.27 Notwithstanding the general support for the approach in the draft Plan to the designation of Sites of Special Significance, the Inspectors have recommended that changes be made in respect of one specific site with regard to its Site of Special Significance designation. The recommendation relates to an area of land, at Rue des Salines, St. Pierre du Bois, which lies on the edge of a substantial area of land which is designated as a Site of Special Significance. The Authority is pleased to note that the Inspectors are not disputing the value of the wider Site of Special Significance designation to a variety of wildlife and plants. However, they have questioned the justification for including this land in the designation. The Inspectors point out that the site is used for growing vegetables, it is crossed by a concrete/tarmac driveway, contains a large block built shed, concrete footings and a large cesspit and has, in the past, been used for storing old boats. The land at Rue des Salines, St. Pierre du Bois is shown on Map Extract 10 in Appendix 6.

### Response of the Development & Planning Authority

- 12.28 In responding to the representations IR159 and FR148 at the Planning Inquiry consideration was given to the information contained in the evidence report produced by Gilmore and Hooper in 2014 'Appraisal of Sites of Special Significance'. This identified the land as forming part of the wider Les Vicheries and La Rue Rocheuse (extending to La Saline and Rocquaine Sand Dunes) Site of Special Significance and set out that the area was proposed for designation because of its orchid fields, swamp, salt marsh, semi improved marshy grassland and coastal grassland and its role as a 'safe' area for wildlife.
- 12.29 The Authority has reconsidered the matter in the light of the recommendation of the Inspectors. It has noted that the site is a peripheral area of land which forms a very small part of a much larger Site of Special Significance and, although identified as part of the wider area in the evidence report, the Gilmore and Hooper Report 2014 has not specifically highlighted the land as being of individual importance. Furthermore, the Authority has noted that the land was not previously identified as a Site of Nature Conservation Importance in the Rural Area Plan.
- 12.30 Although the importance of the wider area is not disputed the DPA has considered the Inspectors' recommendation and agrees with their conclusions and reasons given that the justification for including this specific parcel of land in the Site of Special Significance is not clear either from site inspection or in the evidence report, especially considering the current and past use of the site.

### Conclusion

- 12.31 Accept the Inspectors' recommendation and amend the Proposals Map accordingly.

### **Housing Land Supply and Housing Allocations**

*Inspector's report page No. 37*

- 12.32 The Strategic Land Use Plan (Policies SLP15 and SLP16) requires the Island Development Plan to make provision for the majority of new housing development within and around the Main Centres of St Peter Port and St Sampson / Vale, and for the Local Centres to provide more limited opportunities for housing development to enable community growth and to reinforce Local Centres as sustainable centres.
- 12.33 Although under the terms of the Land Planning and Development (Guernsey) Law, 2005, a Development Plan will be valid for ten years, it may be reviewed in whole or in part at more frequent intervals if this appears necessary. The Strategic Land Use Plan recognises that identifying a ten year housing land

supply from the outset may not take sufficient account of the need to manage supply in a more responsive way taking into account the effectiveness of the housing policies or longer- term variables in the development sector. The Strategic Land Use Plan therefore requires the Island Development Plan to initially make provision for a five year supply of housing.

- 12.34 The draft Plan provides for a sufficient supply of land for new housing development for the first five years of the Plan period. This is achieved through existing planning permissions, the identification of specific sites for housing development (Housing Allocations) and an allowance for windfall development which includes conversion and subdivision of existing buildings and is achieved within the requirements of the Spatial Strategy of the Strategic Land Use Plan. Windfall sites are undesignated sites that come forward for development, which are not specifically identified in the draft Plan for a particular purpose, but for which policies exist to support the development. The process for identifying the housing site allocations is set out in the 'Strategic Housing Land Availability Assessment', June 2014 and the report 'Approach to Housing Site Allocations'.
- 12.35 There is a balance to be struck in ensuring the right level of housing development results from the agreed policy base. The policies contained in the Strategic Land Use Plan aim to strike the right balance of supply and demand but also seek to ensure that land that is appropriate for housing development, as defined by the spatial strategy, is actually brought forward for that purpose.
- 12.36 Therefore, in considering sites in and around the Main Centres, where the majority of new housing development must be located, the Strategic Land Use Plan requires that the draft Island Development Plan reviews the existing Housing Target Areas (identified in the Urban Area Plan as strategic reserves for housing) to determine how these sites can contribute to meeting the housing supply target. The Strategic Land Use Plan acknowledges that there are a number of potential options for dealing with the existing Housing Target Areas and that they could be assessed in terms of which of them might form part of the first five year supply by, for example, identifying them as allocated sites. The Housing Allocation sites proposed in the draft Plan at La Vrangue, Franc Fief, Saltpans, Pointues Rocques and part of Belgrave Vinery are all identified as Housing Target Areas in the Urban Area Plan and have been designated as strategic reserves of land for housing for in excess of fifteen years. However the policies applying to Housing Allocation sites in the draft Plan are very different to those applying to HTA's in the Urban Area Plan.
- 12.37 The Authority is pleased that the Inspectors are satisfied that the approach to housing land supply in the draft Island Development Plan is sound. The Housing Allocation sites proposed in St Sampson attracted a particularly high number of representations from residents living nearby who are opposed to the

designation of these existing strategic reserves of housing land as Housing Allocation sites. The Inspectors fully recognise that development of the allocated sites would result in some local adverse impacts. However, the Authority is pleased to note that they recognise that the policies in the draft Plan would collectively ensure that these would be mitigated, where possible, by careful design, including aspects such as layout, the form of development, open space within it, roads and landscaping. There is the potential to secure improvements to existing infrastructure through the development of these sites. Development that failed to meet the objectives of the draft Plan, including conservation and enhancement of the high quality of the built and natural environment and the achievement of a healthy and inclusive society, would not comply with the policies and so would be unlikely to gain planning permission, notwithstanding the Island Development Plan allocations.

- 12.38 It is also important to consider that, while the draft Plan allocates some specific sites for housing development and seeks to 'reserve' them for this purpose, the draft Plan Policy MC2 would not restrict the principle of housing development on them, as windfall development, should they not be designated as Housing Site Allocations. From a wider perspective, the need to accommodate new housing development to meet the scale and general requirements set by the Strategic Land Use Plan necessitates significant use of areas of brownfield and other land within the main built-up areas. Deletion of one or more of the more substantial Housing Allocation sites without making alternative provision would result in the draft Island Development Plan failing to be consistent with the Strategic Land Use Plan, particularly in terms of the quantum of housing development to be provided and/or its concentration in and around the Main Centres. The designation of alternative Housing Allocation sites is likely to constitute a major amendment to the draft Plan, including the possible redefinition of Main Centre boundaries to include green field land presently outside them, which is likely to require the Planning Inquiry to be reopened.
- 12.39 The Authority welcomes the Inspectors' conclusion that all the allocated housing sites identified in the draft Plan are necessary and appropriate.

#### **Affordable Housing - Definition of Intermediate Housing**

*Inspector's report page No. 75*

- 12.40 The draft Island Development Plan explains that Affordable Housing includes both social housing and intermediate housing and this is defined by legislation in The Land Planning and Development (Planning Covenants) Ordinance, 2011. Generally, social housing is intended to cater for households on low incomes and also includes specialised housing. Intermediate housing includes partial ownership and similar schemes and is intended to help households who cannot meet the full cost of renting or buying appropriate private market housing.

- 12.41 The Authority is pleased to note that the Inspectors consider that, broadly speaking, these definitions are clear and appropriate and that they further support the proposed amendments to the definitions set out in the report 'Proposed Amendments to the Draft Island Development Plan' September 2015 (see Appendix 7 – PA 53, 83, 91, 93, 96 & 97) which are intended to clarify them and to make them consistent with legislation and terms used by other States committees.
- 12.42 However, the Inspectors have highlighted that it would be helpful if the definition of intermediate housing made it clear that this form of housing includes market housing sold at below market price, provided satisfactory arrangements are put in place to ensure that the resale price restrictions reflect the initial price reduction.

#### Response of the Development & Planning Authority

- 12.43 Although the definition of Intermediate Housing set out in the proposed amendments to the draft Plan includes 'similar schemes' the DPA agrees that the addition to the definition of Intermediate Housing, as recommended by the Inspectors, will give further clarification and will not alter the intent of the draft Plan or its policies.

#### Conclusion

- 12.44 Accept the Inspectors' recommendation.

#### **The Requirement for Affordable Housing**

*Inspector's report page No. 75*

- 12.45 A major component of the Strategic Land Use Plan's spatial strategy is to assist in the delivery of socially inclusive and diverse communities. The provision of affordable housing is fundamental to that purpose. To meet the aims and objectives of the Strategic Land Use Plan, the draft Plan is directed to make an allowance for a proportion of affordable housing, to be secured through planning covenants or planning conditions, on larger private development sites and may request affordable housing on other general market housing developments.
- 12.46 The former Environment Department developed a detailed, comprehensive and Guernsey-specific body of evidence to support the approach to affordable housing in the draft Island Development Plan. The report 'The Use of Planning Covenants in the Delivery of Affordable Housing in Guernsey, 2012' fully

investigates what levels of affordable housing could be achieved as part of general market housing development and indicates that in general housing schemes are viable and achievable when an affordable housing contribution at the levels required by the draft Plan is incorporated. The former Environment Department also commissioned an independent review of the proposed approach to affordable housing in the draft Plan. The findings report is entitled 'Independent review of proposed affordable housing policy for the Guernsey Island Development Plan and associated supplementary planning guidance', February 2015. The first of the findings of the report states that: 'the evidence base to underpin the introduction of an affordable housing policy for Guernsey appears to be sound and robust'. Key assessment components of the report were also updated for the Planning Inquiry. It should be borne in mind that Policy GP11 provides scope to reduce the affordable housing requirement where it can be demonstrated that the proposed scheme would not remain viable in the face of the requirement.

- 12.47 The draft Plan states that dwellings or land will generally be transferred to the States of Guernsey or a registered housing association and retained for affordable housing in perpetuity. The Authority will consider ensuring such provision of affordable housing through attaching conditions to planning permissions or by entering into planning covenants with landowners under the terms of the Planning Law and The Land Planning and Development (Planning Covenants) Ordinance, 2011.
- 12.48 Generally speaking, as the costs associated with development, including developer returns, are fully accounted for in the draft policy, the majority of any downward pressure on prices as a result of the draft policy should fall on land prices. This is a reasonable approach as the grant of planning permission will generally substantially increase the value of land and this also has the effect of ensuring that the value of development land is at a realistic level, being a value which reflects the actual usefulness of the site, as opposed to an unrealistic 'hope' value. In this way it is expected that developers will account for affordable housing contribution in their development finance calculations and that this will be reflected in the amount paid for development land. It will therefore be the landowner's expectations that may be reduced.
- 12.49 The DPA welcomes the Inspectors' conclusions that statistics do not support the contention that the need for affordable housing is falling on the Island and that it is clear to them that there is a well-documented and substantial requirement for affordable housing in Guernsey. The Authority is also pleased to note that, in relation to the argument that introducing the affordable housing policy would devastate the house building industry in Guernsey, the Inspectors have concluded that the fundamental challenge to the policy, in principle, is an assertion, not an evidence based argument and that they have not seen any convincing evidence to justify the views expressed in

representations. They conclude that the need for such an affordable housing policy has been clearly established.

- 12.50 The Authority is also pleased to note that the Inspectors have found that the extensive range of viability work undertaken by and on behalf of the former Environment Department is adequate for the purposes of drafting an acceptable affordable housing policy.

#### **Affordable Housing – Policy GP11 Transition period**

*Inspector's report page No. 79*

- 12.51 Notwithstanding the Inspectors' conclusions that it is clear that there is a well-documented and substantial requirement for affordable housing in Guernsey, the Inspectors have recommended a transition period for the introduction of the affordable housing policy (GP11). They have set out that a reasonable approach would be to introduce a sliding scale of the percentage of affordable housing to be provided over a three year transition period. They make clear however, that they consider that extending the transition period beyond three years would not be appropriate for two reasons. First there is a current and pressing need for affordable housing on the Island. Second a longer period would send the wrong message about the commitment of the States to the introduction of an affordable housing policy.

#### Response of the Development & Planning Authority

- 12.52 The Inspectors' recommendation is to introduce a three year transition period for the introduction of the affordable housing policy requirement during which the headline percentage of affordable housing required by the Policy would be reduced according to a sliding scale. At the Public Inquiry Hearing relating to this subject when the matter of a transition period was discussed, the former Environment Department raised some concerns because it was mindful of the need to not increase uncertainty regarding the introduction and application of the policy.
- 12.53 The Authority reiterates that the affordable housing policy, as drafted, can be operated in a flexible manner to take account of particular circumstances. Notwithstanding this, the Authority has considered the Inspectors' recommendation for a transition period, and justification for it, and agrees with the recommendation for the reasons set out below.
- 12.54 Policy GP11 relies on the cost of providing affordable housing being essentially met by the landowner accepting less for their land. The Inspectors have found that, notwithstanding the assertions of the development industry, the viability

evidence shows that there is scope for this to happen without the supply of housing land drying up. However, the affordable housing policy depends on the price of development land being lower than is the case at present. Having considered the Inspector's conclusions, the Authority agrees with the Inspectors' conclusions that, at this particular time, there are merits in considering a transitional approach, not least because of the weakness in the current housing market and because this is a new policy that will require all parties to adapt to the revised situation. Another factor in favour of a transition period, highlighted by the Inspectors, is that developers are unlikely to have option agreements in place that can be used to offset the additional cost to the developer of meeting the policy requirements in full. In these circumstances, the Inspectors are concerned that there is a danger that the introduction of the policy without a transition period could, to a lesser or greater extent, undermine a recovery in the housing market on the Island.

- 12.55 The introduction of a transition period will reduce the amount of affordable housing delivered over the first three years of the Plan through Policy GP11 than would potentially be the case if the policy was introduced with a full requirement from the outset. However, affordable housing would only be delivered if sites are developed, which, other than for sites owned by the States of Guernsey, is outside of the control of the States. Policy GP11 will only potentially deliver a small percentage of the overall affordable housing requirement of the Island so that the reduced delivery over a three year only transition period would not have a significant impact on the delivery of the Island's overall affordable housing requirement. Notwithstanding this Policy GP11 remains important to addressing the shortage of affordable housing on the Island. The housing and housing land markets on the Island are currently weak and the introduction of a three year transition period would allow for industry adjustment. In addition, the Authority agrees with the Inspectors' conclusion that having a transition approach may well assist the recovery of the market by encouraging developers to develop sites they have an interest in or already control before the full force of the policy comes into effect. However, the Authority considers that a transitional arrangement should not exceed three years for the reasons set out by the Inspectors.
- 12.56 Having reviewed the merits of a transition period, and in agreeing to introduce it, the Authority is primarily seeking to be consistent with the Inspectors' recommendation to phase the introduction of the affordable housing requirement in Policy GP11 via a sliding scale of the percentage of affordable housing to be provided over a three year period, whilst ensuring that the operation of the policy and the transition period arrangements are simple to understand and apply.
- 12.57 It is therefore proposed that the affordable housing requirement is reduced by 15 percentage points in Year 1; by 10 percentage points in Year 2; by 5

percentage points in Year 3; with the full rate applying in Year 4 (all fractions rounded down) as set out in the table below.

No. dwellings	Year 1 %	Year 2 %	Year 3 %	Year 4 %
5 or more but fewer than 10	5*	10*	15*	20
10 or more but fewer than 15	7*	12	17	22
15 or more but fewer than 20	9	14	19	24
20 or more but fewer than 25	11	16	21	26
25 or more but fewer than 30	13	18	23	28
30 or more	15	20	25	30
*at this % rate it is likely that most schemes will not be of sufficient scale to generate a usable site for affordable housing.				

- 12.58 The reduced requirement in Years 1 to 3 for smaller developments would likely result in only a part of a dwelling or (in some circumstances) an unusable part of a site being required. In effect this would mean that some sites at that scale would have a 0% affordable housing requirement over this period. However, these are the sites at the smaller end of the scale both in terms of size and likely contribution to affordable housing provision and likely to be the most vulnerable with regard to viability issues. Conversely, whilst still providing a sliding scale and dispensation for the provision of affordable housing for larger sites, this approach will still require of them a reasonable provision of affordable housing over the three year transition. These larger sites are those most likely to be expected to provide a higher percentage of affordable housing.
- 12.59 In relation to the transition period, in response to the Inspectors' recommendation, the Authority proposes to introduce the affordable housing policy as set out in the draft Island Development Plan, but to phase-in the application of the full percentage requirement over a three year period. This three-year transition period will run from the date of adoption of the Island Development Plan by the States of Guernsey. Therefore, whilst Policy GP11 will be adopted in full, the affordable housing percentage requirements will be discounted by 15 percentage points in Year 1; by 10 percentage points in Year 2; by 5 percentage points in Year 3; with the full rate applying in Year 4 (all fractions being rounded down). Further guidance on how the transition period will work will be set out in the Affordable Housing Supplementary Planning Guidance. All other provisions of Policy GP11 remain unchanged.

### Conclusion

- 12.60 Accept the Inspectors' recommendation to provide a three year transition period for the introduction of Policy GP11 and make consequential text changes to draft Island Development Plan.

## **13. INFRASTRUCTURE**

### **Renewable Energy Production**

*Inspector's report page No. 56*

- 13.1 Policy IP1, relating to renewable energy production, provides some incentive to facilitate the removal of redundant glasshouses within the restrictions of the planning Law. To provide some additional incentive the former Environment Department suggested an amendment to Policy IP1 to clarify the position regarding acceptable renewable energy infrastructure where the site falls within an Agriculture Priority Area as set out in the report 'Proposed Amendments to the Draft Island Development Plan' September 2015 (see Appendix 7 – PA38, 40, and 74 ).
- 13.2 The Inspectors have considered if the draft Plan contains adequate incentives for the clearance of redundant glasshouse sites to accord with the intentions of the Strategic Land Use Plan and the Authority is pleased to note that they acknowledge and accept that the scope for the Island Development Plan to offer incentives is limited under the terms of the planning Law and that they consider that the policies with the suggested amendment go as far as they reasonably can.

### Response of the Development & Planning Authority

- 13.3 The Inspectors have recommended a very small change to the wording of the proposed amendment to omit the words 'and type'. This has no effect on the intent or effectiveness of Policy IP1. A similar proposed amendment relates to Policy OC7 relating to Redundant Glasshouse Sites Outside of Centres and the wording of this policy should also reflect that in the inspectors' recommendation.

### Conclusion

- 13.4 Accept the Inspectors' recommendation.

## **Airport Related Development**

*Inspector's report page No.81*

- 13.5 The DPA is pleased to note that the Inspectors are satisfied with the draft policy concerning Airport Related Development and that they consider that the draft policy, together with other relevant policies, should limit future development on or around the airport to that intended by the Strategic Land Use Plan.
- 13.6 The Inspectors highlight that further criteria are added in the Policy to address particular circumstances, but consider that, for the avoidance of doubt, it should be made explicit that these are additional to criteria (a) and (b) rather than alternatives.

### Response of the Development & Planning Authority

- 13.7 The Authority accepts that the minor changes to Policy IP4 recommended by the Inspectors will help to clarify the policy and will not alter its intent.

### Conclusion

- 13.8 Accept the Inspectors' recommendation.

## **Public and Private and Communal Car Parking**

*Inspector's report page No. 82-86*

- 13.9 Policy LP1 in the Strategic Land Use Plan states that social wellbeing and maintaining economic development will be realised through the prudent use of natural resources, ensuring the physical and natural environment is conserved and enhanced and reducing, where practicable, the Island's contribution to greenhouse gases. This is in accordance with the States' Environmental Plan. The Strategic Land Use Plan requires the Island Development Plan to balance sustainability and economic and social objectives.
- 13.10 The Strategic Land Use Plan further notes that, as the use of motorised vehicles is one of the main contributors to greenhouse gases, policies that lead to a reduction in the need to travel by car should be supported. The Authority is pleased to note that the Inspectors' have highlighted that, in approving the Strategic Land Use Plan, the States has agreed this approach, and it is not open to further debate in the context of the draft Island Development Plan.
- 13.11 The Strategic Land Use Plan sets out that, while the appropriate provision of parking in new developments can ensure the economic and social objectives of the States are able to be met, opportunities should be explored to minimise the negative effects of car parking, particularly within the Main Centres. As such, the draft Island Development Plan recognises that there is a balance to be

struck between providing an appropriate level of car parking within the Main Centres and the aim of reducing car dependency.

13.12 The draft Plan has provided for the specific recommendations of the States approved Strategic Land Use Plan and the Integrated Transport Strategy which was approved by the States in April 2014 (Billet d'État IX of 2014, Article VI). The Integrated Transport Strategy sets out, at paragraph 154, that the following principles are to be considered to encourage sustainable transport and accessibility for all:

- Maximum Parking Standards for new developments
- Minimum Standards of cycle parking provision in new developments
- Bespoke, sustainable Travel Plans for commercial and public sector developments over a certain size
- Investigation into ways of promoting Town as a place to live and work without a reliance on private motor vehicles
- Enhanced pedestrian and cycle routes

13.13 The States resolved (resolution 23) to direct the former Environment Department to consider the Strategy's Vision for travel in Guernsey and the specific recommendations noted above and contained in paragraph 154 of the Strategy in reviewing the Development Plans of the Island. Therefore, in accordance with the States approved Strategic Land Use Plan and the States approved Integrated Transport Strategy, the policy approach of the draft Plan seeks to balance the requirements of motor vehicle users, including provision of car parking in the Main Centres, with the wider objectives to promote sustainable transport choices and reduce congestion, make the most efficient and effective use of developable land and enhance the environment of the Main Centres for all users.

13.14 With regard to public car parking, the Strategic Land Use Plan highlights that surface public car parking is a major user of land which does not make the most effective and efficient use of land and this is also contrary to Plan Objective 1 of the draft Island Development Plan. Managing the supply of public car parking is a key factor in addressing traffic congestion, encouraging people to use more sustainable modes of transport, making the most efficient and effective use of land and making our Main Centres more sustainable and better places to live.

13.15 The Authority has noted that the Inspectors concluded that no evidence of a shortage of car parking spaces in the core areas of the two Main Centres had been put forward to the Planning Inquiry. However, the draft Island Development Plan, does not seek to reduce the amount of existing public car parking in the Main Centres, but, recognising the negative impacts it can have as detailed above, does not generally make provision for any new public car

parking areas within the Main Centres or Main Centre Outer Areas. The draft Plan does recognise that there may be a requirement to better manage existing public car parking in the future to support and enable environmental and public realm improvements and, therefore, allows for the principle of relocation of existing public car parking within the Main Centres where this would decrease the negative impact of the motor car on the quality of the urban environment.

- 13.16 However, the draft Island Development Plan does make provision for the possibility of additional car parking, if shown to be required, as part of a major and comprehensive development scheme for a Harbour Action Area, brought forward through a Local Planning Brief and which is in accordance with relevant States of Guernsey approved strategies and priorities. In this way provision of any additional public parking in these key locations, if required, can be planned in a holistic and comprehensive way, within the full context of the economic and social contribution the harbour areas will make in the future and the overall access and movement around the Main Centres. In addition, the draft Plan allows for the consideration of proposals for new park and ride, park and cycle or park and walk facilities through Policy S5: Development of Strategic Importance, where demonstrated to be clearly in the public interest and where otherwise consistent with that policy.
- 13.17 The Authority is pleased that the Inspectors consider that the approach of the draft Plan to public car parking strikes an appropriate balance between sustainability and economic and social objectives in accordance with the Strategic Land Use Plan.
- 13.18 With regard to private and communal car parking, the States has directed the DPA, through approving the Integrated Transport Strategy (Billet d'État IX of 2014, Article VI), to consider maximum parking standards for new developments. The maximum car parking standards relate only to development within the Main Centres and Main Centre Outer Areas where it is considered that a maximum standard will help to contribute towards the draft Plan objective of making the most effective and efficient use of land and resources, and towards encouraging sustainable transport choices required by the Integrated Transport Strategy.
- 13.19 The intention of the policies in the draft Plan with regards to private and communal car parking is to provide an appropriate level of car parking required for a new development by requiring maximum parking standards. The Inspectors acknowledge that the proposed maximum parking standards represent a significant change of approach for Guernsey. However, they point out that even a gradual and modest shift in the balance between travel by car and by other modes, as sought by the approved Integrated Transport Strategy, 2014, is most unlikely to happen at all without a range of measures to discourage car use, in which limitations on private and communal parking

provision would play an important part. The Inspectors have further concluded that if minimum parking standards were applied they find it difficult to see how providing for effectively unlimited parking provision would assist in achieving the reduction in the need to travel by car and the balance between sustainability and economic and social objectives sought by the Strategic Land Use Plan. They comment that it would certainly be directly contrary to the Integrated Transport Strategy, which proposes maximum (car) parking standards.

- 13.20 It should be noted, however, that in order to achieve an appropriate level of parking provision on some sites, the draft Plan policy allows for some flexibility to be applied in the application of the parking standards where necessary to achieve a better overall development. Variations may be possible, depending on an assessment of, amongst other criteria, the impacts of development on access and amenity for other residents and occupants, on-street car parking capacity and proximity to public car parks and where development proposals in the Main Centres and Main Centre Outer Areas differ significantly in general car parking provision from the maximum standards there is the opportunity for a developer to illustrate how access, movement and traffic associated with a development, will be satisfactorily managed so that there are no unacceptable impacts.
- 13.21 The Inspectors also highlight that the Main Centres and Main Centre Outer Areas, to which the maximum parking standards apply, are of relatively high density. Higher levels of parking provision would necessitate lower densities in new residential developments, reducing the efficiency of the use of land. As well as increasing motor vehicle use and congestion, it would reduce the number of dwellings that could be provided within sites in the Main Centres, necessitating more development outside the Centres, contrary to the States approved spatial strategy.
- 13.22 The DPA is pleased to note that the Inspectors conclude that the policy approach in the draft Plan in relation to public, private and communal car parking accords with the thrust of the 'Strategic Land Use Plan' 2011 and the 'Integrated Transport Strategy' 2014 and that the flexibility built into the draft Plan policy and standards should enable a pragmatic approach, responding to the circumstances of individual cases, within the overall strategy.
- 13.23 The Inspectors have noted that the supporting guidance document which sits alongside the draft Plan, is entitled "*Supplementary Planning Guidance ...*" and it is described as such in the text preceding the policy and recommend that, for consistency, the policy itself should reflect this.

### Response of the Development & Planning Authority

- 13.24 The omission of the word 'supplementary' from the policy box is a drafting error and the Authority has no objection to its inclusion, as recommended, in the interests of consistency.

### Conclusion

- 13.25 Accept the Inspectors' recommendation.

## **14. Proposed Amendments to the Draft Island Development Plan**

- 14.1 During the Planning Inquiry the former Environment Department formally submitted a number of proposed amendments to the draft Plan based on its review of the Initial and Further Representations and, in some cases, to address errors or omissions identified following publication of the draft Plan and also setting out its responses to a number of matters that had been raised during the course of the Public Hearings held between 6th and 23<sup>rd</sup> October 2015. These proposed amendments are contained in three documents which can be found in Appendix 6, Appendix 7 and Appendix 8. The proposed amendments were subject to public consultation and representations received were taken into account by the Inspectors.
- 14.2 The Inspectors concur with the former Environment Department's assessment that most of the proposed amendments are not significant. Where they are more significant they are addressed elsewhere in their report. Unless otherwise indicated the Inspectors agree that the proposed amendments should be made.

### **Matters Arising from the Planning Inquiry Hearings into the Draft Island Development Plan October 2015**

*Inspector's report page No. 94*

- 14.3 Further to questions from the Planning Inspectors at the Planning Inquiry Hearings regarding the use of the phrase 'to the satisfaction of the Environment Department' in the Draft Island Development Plan, the wording of the draft plan was revisited and it was concluded that the phrase does not add value or contribute to the interpretation of the draft Plan policies. An amendment was proposed to delete the phrase from the draft Plan. The proposed amendments are set out in the report 'Matters Arising from the Planning Inquiry Hearings into the Draft Island Development Plan – 6<sup>th</sup> October to 23<sup>rd</sup> October 2015'. A summary of the report is in Appendix 8 and the full report can be found on the States website at <https://www.gov.gg/planningpolicy>.

- 14.4 The instances where the phrase occurs in the draft Plan and minor consequential text changes to make sentences read correctly are set out in an appendix to the report. A summary of this report can be found at Appendix 8. However, the former Environment Department considered that, in a very few instances, the words ‘adequately demonstrated’ should be inserted where particular information, required to be submitted, needs to meet a standard to accord with the Plan intentions.
- 14.5 The Authority notes that the Inspectors welcome the proposed amendments to delete the phrase and make the necessary text changes set out in the above mentioned report.
- 14.6 However, the Inspectors do not agree that the words ‘adequately demonstrated’ are necessary to ensure a standard is met. They consider that something that is required to be demonstrated would either be demonstrated or not. If it were not, then the policy test would not be met. They recommend the omission of proposed additions of “*adequately*”.

#### Response of the Development & Planning Authority

- 14.7 On reviewing the matter the DPA agrees with the conclusions reached by the Inspectors and acknowledges that use of the qualification in selected instances could weaken other policies by suggesting that less than adequate demonstration would suffice in those cases.

#### Conclusion

- 14.8 Accept the Inspectors’ recommendation.

### **15. Overall Conclusion**

- 15.1 The draft Island Development Plan is a thorough document, the conclusions and policies of which are based on firm and relevant evidence. It has been certified as being consistent with the Strategic Land Use Plan. It has benefitted from considerable public and stakeholder engagement which has influenced policy development and which has helped to provide land use policies which are relevant and robust.
- 15.2 Within the restrictions of a finite land resource, the draft Plan effectively balances the economic, social and environmental requirements of the Island, as guided and directed by the Strategic Land Use Plan and the Land Planning and Development (Guernsey) Law, 2005, to help achieve the States objectives and make the most effective and efficient use of land. Its policies are flexible, to be able to react responsibly to changing markets, situations and States priorities. It will be subject to monitoring to ensure the effectiveness of policies

and can be reviewed and amended as necessary within its lifetime. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances and to adjust if its policies are not delivering what is required by the States.

- 15.3 The Development & Planning Authority has fully considered the Environmental Statement, written representations submitted to the Planning Inquiry and the comments and recommendations of the Planning Inspectors and other required material in reaching its conclusions set out in this report. Amendments are proposed to the draft Plan to take into account some of the matters raised through the submission of representations and the Development & Planning Authority considers this to be a positive approach which results in a draft Plan which is as robust and relevant as it can be. The Authority accepts all but two of the Inspectors' recommendations to amend the Plan as originally published. Whilst it regrets having to disagree with the Inspectors' recommendation in relation to two particular sites, the Authority considers that there are sound planning reasons to justify its conclusions and for the land designations to remain as proposed in the draft Island Development Plan.
- 15.4 The independent Inspectors' overall conclusion is that:
- a. The statutory requirements under the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (Plans) Ordinance, 2007 in respect of the preparation and publication of the draft Island Development Plan have been met; and
  - b. The proposals set out in the draft Island Development Plan are sound i.e. they are, notwithstanding the recommendations set out in their report:
    - i. The best ones having considered alternatives;
    - ii. Supported by robust and credible evidence;
    - iii. Capable of being implemented and monitored; and
    - iv. Reasonably flexible to respond to changing circumstances.
- 15.5 Once adopted by the States the Island Development Plan will become operative immediately. It will be revised to embody those amendments recommended by the independent Planning Inspectors which are supported by the Development & Planning Authority and which are set out in its report and appendices 6, 7 and 8, together with minor inconsequential changes to correct typographical errors and to account for the change in Government structure since the Island Development Plan was first drafted.
- 15.6 The Island Development Plan provides a valuable mechanism to enable and guide land use planning in Guernsey, to allow planning to be as flexible and

responsive as it can be within the Planning Law and to provide consistent, evidence based responses, leading to consistent and high quality decisions on planning applications. Adoption of the Island Development Plan will enable the realisation of the spatial strategy and other policies of the Strategic Land Use Plan, approved by the States in November 2011, and will provide the policy mechanism by which its core objectives can be achieved. The adoption of the Island Development Plan will be a significant move forward in the land use planning of the Island and supports the Strategic objectives of the States, whilst taking into account general public opinion, resulting in a more flexible and proactive Development Plan focussed on achieving strategic objectives and priorities.

- 15.7 The Authority therefore recommends that the draft Island Development Plan proposals published in February 2015 are changed, for the reasons given in this report, in accordance with those recommendations of the Independent Planning Inspectors supported by the Authority (set out in appendices 6, 7 and 8) together with the Authority's own amendments as set out in this report.
- 15.8 The Authority's conclusions and above recommended changes to the draft Island Development Plan are supported by the Authority. The Development & Planning Authority recommends that the Island Development Plan is adopted as amended as detailed above and has accordingly requested the Committee *for the Environment & Infrastructure* to lay the full Island Development Plan documentation before the States as required under section 9(4) of the Plans Ordinance.

## **16. List of appendices**

Appendices to this report are:

- Appendix 1: The Draft Island Development Plan, February 2015 – Written Statement and Proposals Maps.
- Appendix 2: The Environmental Impact Assessment of the draft Island Development Plan: Environmental Statement, February 2015 (updated April 2016).
- Appendix 3: Environmental Impact Assessment of the draft Island Development Plan: Non-Technical Summary, February 2015 (updated April 2016).
- Appendix 4: Draft Island Development Plan: Statement of Consultation and Community Engagement, 2016.
- Appendix 5: Report of the Planning Inspectors appointed to conduct the Independent Planning Inquiry, March 2016.

- Appendix 6: Schedule of the amendments recommended by the Inspectors, relevant proposal maps amendments, and the Development & Planning Authority's conclusions.
- Appendix 7: Proposed Amendments to the Draft Island Development Plan September 2015.
- Appendix 8: Matters Arising from the Planning Inquiry Hearings into the Draft Island Development Plan, 6<sup>th</sup> October 2015 to 23<sup>rd</sup> October 2015:- Summary Report', March 2016.
- Appendix 9: Identifying Local Centre Boundaries, September 2014: Addendum Report, March 2016.
- Appendix 10: Strategic Land Planning Group, Certificate of Consistency, January 2015.
- Appendix 11: Strategic Land Planning Group, Confirmation of intention not to make further comments, April 2016.