

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

THE ISLAND DEVELOPMENT PLAN-DEVELOPMENT & PLANNING AUTHORITY
RECOMMENDATIONS

The States are asked to decide:-

Whether, after consideration of the report of the Development & Planning Authority attached to the policy letter entitled 'The Island Development Plan-Development & Planning Authority Recommendations' and all documents attached to that report, they are of the opinion:-

1. To adopt the Island Development Plan as published in February 2015 (set out in Appendix 1 of the report of the Development & Planning Authority), comprising the Written Statement and Proposals Maps, amended in accordance with the recommended changes of the Development & Planning Authority set out in Appendices 6, 7 and 8 to its report attached to the policy letter comprising those recommendations of the independent Planning Inspectors supported by the Development & Planning Authority together with the Development & Planning Authority's own recommended changes.
2. To note that the policy on the use of planning covenants set out in the Island Development Plan supersedes the policy noted in their resolution of the 12th December, 2007 on Billet d'État No. XXV of 2007, Article III, paragraph 1 noting "the limited circumstances in which planning covenants will be used as set out in that report".

The above propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE COMMITTEE *for the* ENVIRONMENT & INFRASTRUCTURE
THE ISLAND DEVELOPMENT PLAN - DEVELOPMENT & PLANNING
AUTHORITY RECOMMENDATIONS

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

28th July 2016

Dear Sir

1. Executive Summary

- 1.1 The Island Development Plan 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, which was approved by the States in November 2011 (Billet d'État XIX of 2011, Article X).
- 1.2 In accordance with the legislation the Development & Planning Authority has requested that the Committee *for the* Environment & Infrastructure lays before the States the Island Development Plan and all the associated documentation.
- 1.3 The former Strategic Land Planning Group issued a certificate confirming that the draft Island Development Plan was consistent with the Strategic Land Use Plan. It also advised that it had no further comments with regard to the Inspectors report, conclusions of the former Environment Department on the same, or on any of the associated documents.
- 1.4 In all but one instance, the recommendations of the Development & Planning Authority for changes to the draft Island Development Plan as originally published, are consistent with the original conclusions of the former Environment Department. The Committee is satisfied that the proposals set out in the draft Island Development Plan, with the changes recommended by

the Development & Planning Authority, remain consistent with the guidance and direction given in the Strategic Land Use Plan.

- 1.5 The Committee also agrees with the Authority's conclusion that the 2007 policy concerning the use of planning covenants is inconsistent with relevant policies of both the Strategic Land Use Plan and the Island Development Plan, if adopted.

2. Background

- 2.1 The Island Development Plan 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, which was approved by the States on 30th November 2011 (Billet d'État XIX of 2011, Article X).
- 2.2 The planning legislation includes a requirement for an Environmental Impact Assessment of the Plan policies and for the preparation of an Environmental Statement setting out the findings of that assessment as further detailed in the attached report of the Development & Planning Authority. The States is required, under section 4 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, to take into account the Environmental Statement before passing its resolution to adopt the Island Development Plan.
- 2.3 The Development & Planning Authority has prepared a report regarding the draft Island Development Plan, which includes its conclusions on the report of the Planning Inspectors appointed to conduct the Independent Planning Inquiry, the written representations made to the inquiry, the Environmental Statement in relation to the Plan proposals and the reasons for its conclusions and the subsequent recommended changes to the draft Island Development Plan as originally published in February, 2015 and reasons for the same.
- 2.4 In accordance with section 9(4) of The Land Planning and Development (Plans) Ordinance, 2007, the Development & Planning Authority has requested that the Committee *for the* Environment & Infrastructure lays before the States the Island Development Plan and all documentation required by the above mentioned Ordinance. The Development & Planning Authority's report and associated appendices, including all documentation required by the Plans Ordinance, are attached to this policy letter. In addition an interactive version of the proposals maps can be found at <http://draftislandplan.digimap.gg/>. Several hard copies of all of the documents will be available to view in the Members' room and the Planning

Service reception at Sir Charles Frossard House and also in the Guille-Allès library.

3. Strategic Endorsement

- 3.1 In accordance with section 5 of The Land Planning and Development (Plans) Ordinance, 2007, on 5th 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 (see Appendix 10 of the attached report by the Development & Planning Authority).
- 3.2 On 22nd 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 concluded that the draft Plan was a thorough piece of work that had benefitted from considerable public and stakeholder engagement. It decided that it did not intend to make any further comments with regard to the draft Plan, or any of the other documents referred to it by the former Environment Department under section 9(2) of Land Planning and Development (Plans) Ordinance, 2007 (See Appendix 11 of the attached report by the Development & Planning Authority).
- 3.3 The steps outlined above fulfilled the requirements of sections 5(1) to (4) and Section 9(2) and (3) of The Land Planning and Development (Plans) Ordinance, 2007. Under the transitional provisions in section 3 of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 the requirements of these sections of the Plans Ordinance have been discharged by the former Strategic Land Planning Group and take effect as if done by the Committee *for the* Environment & Infrastructure and so have been completed by the Committee.
- 3.4 The Committee notes that, in all but one instance, the recommendations of the Development & Planning Authority for changes to the draft Island Development Plan as originally published, and reasons for the same, are consistent with the original conclusions of the former Environment Department on the Inspectors' report and other plan documentation which was previously considered by the former Strategic Land Planning Group. Taking into account the one instance where the change recommended by the Development & Planning Authority is not consistent with the conclusions of the former Environment Department, the Committee is satisfied that the proposals, and amendments proposed, remain consistent with the guidance and direction given in the Strategic Land Use Plan. Therefore, it has no further comments in this respect in this policy letter.

- 3.5 The Development & Planning Authority's report also recommends that the States be asked to note that the relevant policies set out in the draft Island Development Plan, if adopted, supersede the policy which they noted in their resolution of 12th 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. Full details are set out in the Development & Planning Authority's report under "Planning Covenants". The Committee *for the* Environment & Infrastructure agrees with the Authority's conclusions in relation to the inconsistency of the 2007 policy with the relevant Strategic Land Use Plan policies which have in turn guided and directed the relevant, proposed Island Development Plan policies.

4. Engagement and Consultation

- 4.1 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 exceeded in producing the draft Island Development Plan.
- 4.2 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 of the attached report by the Development & Planning Authority.
- 4.3 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 independent Planning Inspectors to carry out a public Planning Inquiry into the draft Island Development Plan. The independent Planning Inquiry was formally opened on 16th February 2015. It 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 of the Ordinance. The Inspectors considered the draft Plan and the evidence supporting the Plan's provisions, including the Environmental Statement, the written representations submitted and the responses of the Environment Department 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 4th March 2016. The complete document is reproduced in Appendix 5 of the attached report by the Development & Planning Authority.

5. Outline of Proposals

- 5.1 The proposals are set out in the Development & Planning Authority's detailed report on the draft Island Development Plan which is attached to this policy letter and includes the Authority's conclusions and all documentation required by section 9(4) of The Land Planning and Development (Plans) Ordinance.

6. Resources and Implementation

- 6.1 There are no identified financial or resource management implications from this policy letter. Furthermore there is no requirement for any new legislation.
- 6.3 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.
- 6.4 The existing Development Plans (the Urban Area Plan and Rural Area Plan) will cease to have effect from 2nd 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 or where such amendments require the planning Inquiry to be reopened, 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.

7. Conclusions

- 7.1 The Committee *for the Environment & Infrastructure* has noted that the independent Planning 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 the Inspectors' 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.

- 7.2 The Committee *for the* Environment & Infrastructure has noted that the Development & Planning Authority recommends that the Island Development Plan, as amended in accordance with those recommendations of the independent Planning Inspectors supported by the Authority together with the Authority's own amendments as proposed in its report, is adopted and that the Authority's conclusions and its recommended changes to the draft Island Development Plan are supported by the Development & Planning Authority.
- 7.3 The Committee *for the* Environment & Infrastructure is satisfied that the proposals set out in the draft Island Development Plan and the proposed amendments to it, remain consistent with the guidance and direction given in the Strategic Land Use Plan.
- 7.4 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, will help other Committees to fulfil their mandates and will support and advance all States approved strategies in so far as they relate to spatial and land use issues.
- 7.5 The Committee *for the* Environment & Infrastructure agrees with the Authority's conclusion that the 2007 policy (noted by the States), concerning the use of planning covenants, is inconsistent with relevant policies of the Strategic Land Use Plan and the relevant Island Development Plan policies, if adopted.

8. Propositions

The propositions to give effect to the Development & Planning Authority's recommendations are set out below.

The States are asked to decide:-

Whether, after consideration of the report of the Development & Planning Authority attached to the policy letter entitled 'The Island Development Plan-Development & Planning Authority Recommendations' and all documents attached to that report, they are of the opinion:-

1. To adopt the Island Development Plan as published in February 2015 (set out in Appendix 1 of the report of the Development & Planning Authority), comprising the Written Statement and Proposals Maps, amended in accordance with the recommended changes of the Development & Planning Authority set out in Appendices 6, 7 and 8 to its report attached to the policy letter comprising those recommendations of the independent Planning

Inspectors supported by the Development & Planning Authority together with the Development & Planning Authority's own recommended changes.

2. To note that the policy on the use of planning covenants set out in the Island Development Plan supersedes the policy noted in their resolution of the 12th December, 2007 on Billet d'État No. XXV of 2007, Article III, paragraph 1 noting "the limited circumstances in which planning covenants will be used as set out in that report".

Committee Support for Propositions

In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

Yours faithfully

Deputy Barry Brehaut
President

Deputy Mark Dorey
Vice President

Deputy H Lindsay de Sausmarez

Deputy Shane Langlois

Deputy Sarah Hansmann-Rouxel