

PlanForum

Guernsey Agents' Forum

Meeting held Wednesday 29th November 2017 @ Raymond Falla House, Burnt Lane,
St Martin

NOTES OF THE MEETING

PlanForum members in attendance:

Andrew Merrett, Lovell Ozanne
Rachel Jones, Cary Olsen
Gary Bougourd, Babbe McCathie
Rob Le Page, R W Le Page
Michael Hart, Soup Architects
Paul Le Tissier, Guernsey Electricity
Claire Smith, Ogier
Olly Brock, BHP
Rowland Tyson, Guernsey Water
Carl Foulds, DAS
David De La Mare, DLM
Esther Male, CCD
Paul Nettleship, Collas Crill
Robert O'Brien, Property Services
Chris Lovell, Lovells
Grant Steer, DLM
David Aslett, Property Services

From the States of Guernsey:

Jim Rowles, Director of Planning (AJR)
Claire Barrett, Policy and Environment Manager (CEB)
Jayne Roberts, Development Control Manager (JLR)
Andy Mauger, Building Control Manager (AAM)
Simone Whyte, Principal Forward Planning Officer (SW)
Elaine Jordan, Conservation Officer (ESJ)
Louisa Driver, Technical Support Officer (meeting notes)

Apologies:

Tony Charles, Porchester Planning
Alastair Hargreaves, Ferbrache & Farrell
David Falla, Falla Associates
Jill Bray, Courtillet Design

Meeting commenced at 10:05am

AJR opened the meeting and welcomed all present.

1. Matters arising from last meeting

AJR informed PlanForum members that:

- The move of the Development Control, Building Control and Technical Support teams onto level 3 at Sir Charles Frossard House had been delayed from December and would take place on Monday 5th February 2018. Therefore some disruption to normal services around this time was anticipated, but efforts would be made to minimise this.
- The High Hedges (Guernsey) Law, 2016 came into force in October 2017, although no formal complaints under the Law had been received to date.

No other matters were raised.

A link to the notes of the previous meeting can be found here:

<https://www.gov.gg/CHttpHandler.ashx?id=109408&p=0>

2. Format and content of future PlanForum meetings

AJR requested members' feedback with regard to the format and content of future PlanForum meetings and asked for suggestions regarding ways in which the meetings might be made more interactive or useful to the agents.

Feedback was provided by members in answer to this question as follows:

- The present format of briefings by the Planning Service to update and inform members was useful and allowed discussion of any changes or issues.
- There is potential overlap between the PlanForum and other groups (e.g. within the Guernsey Chamber of Commerce and Construction Industry Forum) which focus on planning. It may therefore be better to combine these interests within the PlanForum to avoid duplication and concentrate efforts most effectively. Members present provided details of other groups which they were members of or represented.
- It was suggested that the PlanForum could play a particular role in assisting the Planning Service to pro-actively prepare Development Frameworks for allocated sites such as the Regeneration Areas, when the stimulus for a Framework was not necessarily associated with a particular development proposal. The PlanForum membership could provide valuable resources to assist in the process and members also have access to a network of clients which might help stimulate investment interest. This suggestion was welcomed by the Planning Service.

3. Policy & Environment – update and discussion

IDP Monitoring (CEB)

- CEB noted that the Island Development Plan had been in effect for over a year (since 2nd November 2016) and that the feedback on its operation and the effectiveness of its policies had generally been very positive. The Plan had allowed greater flexibility than the previous Development Plans when taking development management decisions and monitoring of the Plan's operation was not identifying any particular problem areas at present.
- There is a statutory requirement to monitor the effectiveness of the policies of the Plan. Quarterly monitoring reports were produced for employment and housing land supply and had been published on the States website. These are essentially factual reports. States' consideration of the KPMG Local Housing Market Review is expected in Quarter 1 of 2018, at which time the new housing supply indicators would be set if agreed by the States, replacing the present targets. If the indicator was lower than the present target of 300 dwellings per year, this would not be of particular concern to the Planning Service as in that circumstance the currently identified five-year housing supply would simply last for a longer period of time. There would be more concern if the indicator increased, meaning that additional housing land may need to be identified to achieve an increased five year supply figure.
- Monitoring of the Plan would also be achieved through an annual monitoring report which would include more discussion and analysis than the quarterly reports and would also incorporate qualitative data as part of a holistic approach involving consultation with other Committees, services and stakeholders. An example of this was a business survey to be conducted as part of the review of the employment land study, in conjunction with the Committee *for* Economic Development. The first annual monitoring report for the IDP would be published in Quarter 1 of 2018. Through this process any necessary changes to the IDP or to the Strategic Land Use Plan could be identified.
- Andrew Merrett asked how long it would take to achieve a change to the IDP if such a need was identified through the monitoring process. CEB clarified that no requirement for change to the IDP had so far been identified, but if there was a need to change a Plan policy there was a statutory process to follow. It would be likely that any changes proposed to the Plan would be grouped and addressed along with the five-year interim review of the housing land supply in the Plan, to avoid piecemeal changes and additional costs, unless they were deemed more urgent. In all cases, no matter how minor the change it would still need to go through the same statutory process, involving an independent Planning Inquiry and reference to the States. Andrew Merrett referred to a need to respond quickly in the current

economic conditions. CEB noted that frequent policy changes would be likely to undermine the purpose and value of the Plan; however there was a clear and unambiguous process for amending the IDP if changes to strategic policy meant that this was required in order to deliver the strategic land use direction of the States.

- CEB said that the Planning Service was already starting to think about the five-year interim review of the housing land supply in the IDP. Olly Brock said that a strict approach should be taken by the Planning Authority to achieving appropriate housing densities and not permitting smaller than optimum developments at the expense of efficient use of land. CEB said that the planning policy approach seeks to maximise the efficient use of land within its particular context, which might in some circumstances include provision of significant landscape buffers. The Development Frameworks indicate a density range which is intended to make best use of the particular site within its context. Sites within the Main Centres are generally likely to be suitable for higher densities than those in the Local Centres. AJR added that IDP Policy GP10 relating to comprehensive development also provided an effective tool to ensure that land is used most effectively, and inefficient piecemeal development avoided.

Development Frameworks (DFs)

- CEB informed agents that the Planning Service had developed a log for DFs for its use internally which detailed an order of priority to help manage the DF preparation process and associated workloads. DFs for allocated sites attracted the highest priority. Progress and any issues were addressed at a weekly internal update meeting. The DFs had been a learning process for all involved, however this was now operating more smoothly and the Planning Service was receiving some draft DFs from agents that required very few changes. CEB also took the opportunity to remind agents that it was essential to arrange the initial 'kick-off' meeting to ensure that everyone involved was aware of what their input was from the start and to ensure a collaborative approach. JLR added that the log currently included 19 DFs, 2 of which had been approved by the Development & Planning Authority and published and 17 were in progress with two draft DFs out for public consultation. CEB noted that there had been some issues with technology, in relation to the transfer of information, which were being resolved.
- Andrew Merrett said that he perceived the DF process to be adding to delays with commencing development. Rob Le Page said that some information provided initially had not been used but the process had been a learning curve and was now smoother and more streamlined. CEB responded that the DFs represented frontloading of the planning process so by application stage broad elements such as density and site opportunities and constraints were established and agreed, reducing delays overall. The DFs were a way of putting the design thought process on paper and better than previous planning and design statements which had often been retrofitted to

proposed schemes. However, if monitoring provided evidence that the process was delaying the delivery of housing, consideration could be given to making changes through the processes previously described.

- Carl Foulds queried whether the DF process might be promoting inefficient use of sites if developers were limiting proposed housing numbers to avoid a DF. CEB said that the IDP policies required the most efficient use of land and militated against this happening. In some cases proposals had however clearly represented overdevelopment of the site and the Planning Service had requested a reduction of housing numbers accordingly.
- Esther Male questioned whether it was possible for a developer to submit a planning application in advance of a DF being approved. AJR confirmed that this was legally possible but presented significant risks for a developer. No decision on a submitted application could be made until the DF was approved and any changes required to the DF could therefore impact significantly on the application. Claire Smith said that the DF process is commonplace in other jurisdictions; where a DF is in place the developer will know exactly where they stand and whether approval of their proposals is likely or not. This benefit would be lost by making an application before the DF process is concluded. Olly Brock said that it was very helpful on a site by site basis to know how the IDP policies will be applied; the DF process achieves this and also allows for community involvement at an early stage.

Supplementary Planning Guidance (SPG)

- CEB confirmed that the Planning Service has a list of SPG to be worked on and completion of the guidance on Waste Management Plans will be prioritised for the first Quarter of 2018. The success of the inert waste strategy hinges on these plans which would be proportionate to the scale of development proposed. This would be dealt with through planning conditions. SW informed agents that the responsibilities of parties involved would be clarified in the guidance.

Meetings with agents

- CEB informed PlanForum members that the Policy & Environment team was meeting in December to discuss its priorities and work streams for next year. One of the items for discussion at this team workshop involved the setting up of meetings with agents to discuss and gain feedback regarding the IDP policies (in a similar way to when the Conservation & Design team carried out meetings with agents for the Protected Buildings Review). SW asked that agents send in information on the policies or topics they would like to discuss by the end of the year by emailing to planning@gov.gg.

RTPI Planning Conference feedback

- Olly Brock had requested feedback in relation to the RTPI South West Branch

Conference on tourism and heritage that was held in Guernsey in September 2017, as he had been unable to attend.

- AJR said that the conference had been a great success with much positive feedback received. The quality of speakers had been high and many topics of interest had been covered.
- There was particular discussion on the innovative and collaborative approach of Bournemouth Council to its visitor accommodation sector which appeared to have potential for application in the Guernsey context.
- AJR undertook to circulate the post-conference report issued by the RTPi for information to PlanForum members.

4. Development Management - update and discussion

Edocs – preferred format for submissions (JLR)

- JLR noted that the Edocs process for planning applications had been introduced in June 2017 and from an internal perspective was felt to be operating successfully. In some cases there had been delays in receiving either the paper or electronic copies of applications, which made it more difficult to match the two. Agents were asked to ensure the paper and electronic copies were submitted at the same time. JLR also requested that agents clearly identify the electronic documents (for example, giving titles for plans), particularly for larger schemes.
- In the New Year, the Edocs system will be extended to include deferred and revised applications and requests for minor amendments, for which an electronic copy will be requested. Following this, attention will be given to further extending the Edocs process to include information for pre-application enquiries. Agents were asked to note that these processes were not yet in effect.
- AJR explained that the Planning Service would be meeting in January with the software supplier Northgate which is responsible for the iLAP system, used by the Planning Service, to discuss future planned developments including the provision of enhanced on-line services and a portal for submission of Planning and Building Control applications. It was noted that publication of representations on-line has raised issues concerning data protection and redaction of personal information in other jurisdictions.

Team resources and meetings with Planning Officers (JLR)

- JLR informed PlanForum members that one of the two vacant posts in the Development Control team had been filled for a period of two years. The second post remained vacant despite several recruitment attempts.

Alternative approaches in relation to this post were being considered.

- JLR noted that in light of the resourcing issues, careful consideration had to be given to the efficiency of functions and operations. One area being reviewed was meetings requested with planning officers. Some meetings, particularly relating to proposed householder development, appeared unnecessary and the queries could be dealt with more efficiently by telephone.
- Where meetings were held, JLR requested that as much information as possible be provided at least one week before the meeting to ensure best use of time and the opportunity for preparation including internal pre-meeting discussions where appropriate. Andrew Merrett said that in the initial stages of a proposal, a client may not wish to pay for plans to be prepared prior to receiving advice. JLR clarified that this was understood, however even a block plan and photographs of the site would be helpful and some information concerning the proposal would be more helpful than none.
- JLR advised PlanForum members that introduction of a new screening process was being considered for pre-application advice requests to determine the best and most efficient way of dealing with each request, whether in writing, by a telephone call or with a meeting. If advice was given by telephone, a copy of the telephone call log would be issued by email as a record of the conversation. Feedback from PlanForum members on this suggestion was positive. David De La Mare said that over recent years he felt that officers were much happier to communicate with agents by telephone and this was welcomed.

IDP Policy GP16(A)

- Olly Brock had requested discussion of IDP Policy GP16(A) relating to conversion of redundant buildings, following determination of a specific planning application for conversion. In discussion it was noted that Policy GP16(A) was applied consistently however the particular considerations that applied in the case referred to as a result of the planning history of the site were unlikely to be repeated elsewhere.

5. Building Control - update and discussion

Engineers' submissions – identifying the surveyor

- AAM noted that the Building Control websearch details the surveyor to get in contact with, however when a member of staff leaves, the contact details will be blank. As a result of this, agents were asked that in these cases to please contact Andy Mauger direct or email to planning@gov.gg.

Site inspections

- AAM informed PlanForum members that Building Control was seeking to adopt a site inspection request App being developed through the UK LABC which would allow site inspections to be requested by customers from their mobile phone. Further investigations were necessary but it was hoped that this service could be provided in the near future.

Reducing paper – GF&RS electronic consultations

- AAM advised that from 2nd January 2018, agents would no longer be asked to submit an additional copy of plans for work to controlled premises, as from that date consultations with the Guernsey Fire and Rescue Service would be carried out electronically.

Licence documentation – talking through the paperwork

- AAM said that Building Control would endeavour to expedite the process by issuing conditional approvals where possible, but this raised concerns where clients were unaware of or did not understand the conditions of approval that were applied. AAM asked agents to take the opportunity to read through the paperwork with and explain the content to their clients. AJR made a similar request of agents in relation to conditional planning permission documents.
- This item prompted a discussion about provision of soakaways, which would normally be subject of Building Licence conditions. Gary Bougourd noted that this was leading to difficulties as consideration of soakaways was often being left until too late in the construction process, when there were limited opportunities to resolve issues. It was suggested that soakaway design should be required to be determined prior to commencement. It was also suggested that agents should be more responsible for flagging this issue up at an earlier stage.

Minor works contract

- It was noted that the Construction Industry Forum was developing a simple form of minor works contract suitable for householders to use which would be publicised through a roadshow held early next year.

6. Managing the Historic Environment - update and discussion

Protected Buildings Review update

- ESJ noted that outstanding decisions on surveys carried out in 2012, 2014 and 2015 were all anticipated to be completed by the end of Quarter 1 of 2018, resulting in there being a robust list of protected residential buildings

at that time. The current project relating to review of the Protected Buildings List would then be closed, but the List would continue to be maintained, reviewed and kept up to date in co-ordination with other workstreams such as preparation of Development Frameworks, Conservation Area character appraisals and on an *ad hoc* basis in relation to development applications.

- Good progress had been made on the desk-top review of the Evaluation List, with 437 of the c.1000 buildings found to have no potential for protection. 303 buildings on the Evaluation List would be surveyed to determine whether or not they should be protected. The Evaluation List would not be made public but the owner/agent with owner's consent would be advised on request if their building is on the List and, if so, a survey could be arranged (subject to priority/resources). Surveys would also be carried out in co-ordination with other workstreams as mentioned above.

Conservation Area Character Appraisals update

- ESJ advised PlanForum members that a project initiation document had been drafted which set out the 'how, who and when' for production of character appraisals for all 26 Conservation Areas. The exact processes and procedures would be finalised and this work stream was expected to commence in the first Quarter of 2018.

Advice and guidance update

- ESJ noted that guidance relating to windows and doors in Protected Buildings was being reviewed internally prior to release for public consultation. It was proposed that a Focus Group of agents, builders and window manufacturers be formed and asked for feedback on the guidance prior to wider consultation. PlanForum members wishing to be included in the Focus Group were asked to email expressing their interest to planning@gov.gg.

7. Planning performance measures

- AJR invited PlanForum members to discuss and provide feedback on the current performance measures used by the Planning Service, and to suggest any additional or alternative measures they would prefer.
- Olly Brock noted that the measures presently used tended to raise false expectations in some cases and did not identify instances where applications were delayed with the agreement of an applicant, for example whilst revisions were prepared by agents. In such cases a more protracted timescale would not be viewed as a problem. He suggested that a more meaningful measure of performance would be to identify applications where agreement to an extension of time for decision had been granted reluctantly. Olly Brock also suggested that the way in which the present measures were presented in public, for example in responses to media enquiries, was unhelpful due to the lack of detail. Use of customer satisfaction feedback was suggested to

augment quantitative measures. David De La Mare suggested using a breakdown by type of application to make clearer why more complex applications might take longer. Analysis could usefully focus on cases over 13 weeks old, differentiated by application type. Other PlanForum members suggested that the Planning Service should have less focus on performance measures but should concentrate on the 'day job' and that responsiveness was key, particularly in terms of maintaining good communications.

8. Agent feedback

Agent feedback was received as follows:

- Rowland Tyson, on behalf of Guernsey Water, noted that in the future it would be unlikely to be permitted for surface water to be allowed to enter the foul network even when there is no obvious method of dealing with it on site. This approach has now been extended to combined sewers, which Guernsey Water no longer recognises. AAM said that there might be implications arising from this for how Building Control dealt with applications. Gary Bougourd suggested that Guernsey Water should be providing a surface water system. Olly Brock noted that agents should investigate drainage before designing a scheme. Rowland Tyson said that Guernsey Water could be contacted for advice and would issue guidance. He noted that there were no maps of the sewerage system publicly available.
- It was suggested that the Guernsey Society of Architects (GSA) Architects' Panel should be used more by the Planning Service to obtain design advice, perhaps for a wider range of schemes. AJR said that the Planning Service was considering this. CEB noted that the Architects' Panel could potentially play a significant role in relation to proposals for the Harbour Action Area. It was also noted that the Architects' Panel and GSA might provide design input to Development Frameworks in some cases.

9. Forthcoming CPD opportunities

- It was noted that a number of opportunities for Continuing Professional Development were likely to be available in 2018 with a new programme of events being promoted by the Construction Industry Forum and events being run by other professional industry groups.

10. AOB and items for next meeting

No further points were raised.

Meeting ended 12:25pm

The next meeting will be held in May 2018.