

Planning in Guernsey

Frequently Asked Questions

In November 2018, the States of Deliberation debated the 2017 Annual Monitoring Report (“the AMR”). This report was the first review of the Island Development Plan (the “IDP”) which had been passed unanimously by the States in November 2016. During this debate, various questions were asked by Members which were often voiced by the public at Open Planning Meetings or in representations. In response, the Development & Planning Authority (D&PA) decided to produce these FAQs which address these questions. If anyone wishes to know more or have detailed explanations, please contact Planning@gov.gg.

Q1. Why does planning policy have to be tied up in so much legislation?

The planning framework is based on a hierarchy of legislation and policies. At the top are Laws, Ordinances and Regulations. In the middle are strategic land use policy (the Strategic Land Use Plan (2011) or “SLUP”) and detailed land use policy (the IDP), and at the bottom of the hierarchy is Supplementary Planning Guidance (e.g. Development Frameworks).

Legislation sets out the need to undertake land use planning, the powers and duties of the authority responsible for the planning function, the procedures to be followed, the conditions under which they may be carried out and the matters to be covered in executing both the development planning and development control functions. The law also makes provision for revising and changing land-use plans and policies to ensure that they are always current and relevant to the Island’s development needs. The law also provides for remedies for those persons affected by planning and development decisions/activities and penalties for those who fail to comply with the provisions of the legislation.

The SLUP sets out the high level strategy for spatial policy – the policy which decides how best to use the limited land available. The planning horizon of the SLUP is 20 years. Core objectives of the SLUP are to improve the quality of life of Islanders and to support a successful economy while protecting the Island’s environment, unique cultural identity and rich heritage through spatial planning policies that enable, inter alia, wise management of Island resources, protection of local biodiversity and the countryside, and enhancement of the culture and identity of Guernsey by protecting local heritage and promoting high standards of new development.

The IDP sets out the way in which the high level policy applies in the myriad of scenarios that occur in land planning. Supplementary Planning Guidance is issued in respect of specific areas of complexity – such as in respect of guidance for the potential development of particular areas of land.

The level of complexity is directly linked to the number of possible planning applications that can be made. As there are so many different scenarios, there needs to be as many policies set out so that an applicant or person affected by the application can identify what applies and how to deal with the application.

Due to the complexity, the Planning Service offers free advice to any applicant or representor. The officers are members of the Royal Town Planning Institute and to ensure continuation of their membership, they must adhere to their Code of Conduct and only offer impartial advice.

Q2. Can we change the IDP by changing another States' policy?

In applying the policies of the IDP, the D&PA will take into account any States' approved strategies, or any subsequent amended or revised documents, or any relevant direction by the States of Guernsey.

For example, if a States' Infrastructure Plan was approved, the D&PA would review its policies and implement changes where it can but recommend a Public Inquiry if required.

Q3. What changes can we implement without disruption or delay?

The lower the level in the hierarchy of the planning framework, the easier it is to change. So Supplementary Planning Guidance is approved by the D&PA whilst the legislation and IDP are approved by the States.

However, land planning is fundamentally based on a balance between those who wish to develop and those who do not wish such development to take place. That balance requires a fair and transparent approach using the procedures set out for making any amendments to ensure that Plans and policies are always current and relevant; that decisions are consistent and that developers/applicants and respondents are treated fairly.

Any proposal for change needs to be assessed to identify the extent of the effect. The wider the effect, the greater the need to consult through a Public Inquiry.

Therefore, each proposal for change must be assessed to determine whether it requires a Public Inquiry. An example of this is that under the IDP a review of housing and employment land supply will take place after 5 years. If the recommended or required changes are significant, a Public Planning Inquiry could be held to review issues and enable a wide consultation.

Q4. When is the next review and what will it cover?

The housing and employment land supply must be reviewed by the D&PA five years after the States of Guernsey adopt the IDP. If monitoring of the land supply requires an earlier review, then this can be completed sooner.

This review will assess the appropriate level of land provision for housing and employment related development for the remainder of the IDP period. It will also include a review of the Strategic Housing Land Availability Assessment and the Employment Land Study.

The D&PA proposes to extend the review to consider other aspects of the IDP, as set out in its Action Plan.

Q5. What are the housing indicators and how is it different from the housing target?

The housing indicators identify the minimum number of housing units that the States believe should be completed annually to meet housing need.

The housing requirement is based on the States' Strategic Housing Indicator. In November 2016, this indicator was referred to as a 'target' which was set at granting permission for 300 additional new dwellings each year. Whilst the target for permissions was met, the amount of housing actually developed was substantially lower.

In July 2018, the States resolved to agree the States Strategic Housing Indicator (“the Indicator”). This replaced the previous target. Crucially, the Indicator relates to dwellings being built rather than just planning permissions as was the case previously (the States’ Resolution refers to ‘creating 635 new units of accommodation’). The Indicator will be subject to review by the States from time to time.

The annual Indicators are currently 97-157 additional new dwellings, of which 68-115 are private market and 29-42 are Affordable, to be built per year.

In accordance with the SLUP, the D&PA seeks to ensure that a two-year housing provision is effectively made at any one time through housing permissions. This is called the ‘pipeline supply’ and, at the end of 2018, this was 767 dwellings. In 2018, 156 new dwellings were approved, 150 being private market and six being Affordable. In 2017, 164 new dwellings were permitted. This contrasts with 2016 when more than 500 new units were permitted.

As at March 2019, whilst the pipeline supply of planning permissions granted for new housing appears healthy, as noted above, the Indicator now focusses on the creation of dwellings rather than planning permissions granted. The number of dwellings completed in 2018 was 161, of which 75 units were private market and 86 were Affordable. The latter statistic however reflects implementation by the Guernsey Housing Association of previous permissions granted in 2016 under the Urban Area Plan and Rural Area Plan.

Q6. What is the definition of greenfield and brownfield sites and why are brownfield sites not built on in priority?

Greenfield sites are defined in the IDP as open land that is not developed other than for agricultural, horticultural or outdoor recreation or informal leisure and recreation purposes. Redundant former glasshouse sites are regarded as being greenfield sites as they are required to be treated as agricultural land under the Land Planning and Development (Guernsey) Law, 2005.

Brownfield sites are also known as ‘previously developed land’. They are land which is, or was, occupied by a permanent building or structure and infrastructure (such as roads) and includes land within the curtilage of an existing building, such as a domestic garden. It does not include land used for agricultural or horticultural purposes, fortifications, or sites where a structure is disused and now forms an integral part of the open landscape.

Sites that are currently used for housing are brownfield land. The allocated housing sites in the IDP are either brownfield land or redundant former glasshouse sites which are located within the Main Centre Outer Areas of St Peter Port and St Sampson/Vale. Other than two instances (a small field on the fringe of an existing built up area and a site close to the Power Station) current approved Development Frameworks for new housing relate to either brownfield land or redundant former glasshouse sites.

Whilst the IDP does not prioritise the development of individual sites, it encourages brownfield development. The IDP has to balance the requirement for a supply of land for development with the protection of the most important green spaces. The Important Open Land designated by the IDP and the Spatial Strategy place emphasis on brownfield development. You can find out more about this here: <https://gov.gg/planningpolicy>.

Policies do allow for some greenfield sites within the Centres to be developed where this aligns with IDP policy and reflects the SLUP requirement to balance development demands on land. The SLUP recognises that some greenfield land will need to be identified for housing development.

There have been very few planning permissions for housing development to date for greenfield sites in the Main Centres under the IDP. In fact, only 1 of 35 sites in 2017 and 1 of 32 sites in 2018 were greenfield.

Q7. What is the difference between a Local Planning Brief and a Development Framework and why are either needed?

Local Planning Briefs (“LPBs”) are statutory plans which follow a formal process including a Public Planning Inquiry.

Development Frameworks are a much less costly, less bureaucratic and swifter process than LPBs. They allow earlier consultation with and involvement of key stakeholders and the public that would otherwise be left until later in the planning application process. In some cases, the IDP now requires Development Frameworks instead of LPBs (such as for Regeneration Areas).

Q8. What is the Sea Front Enhancement Area as opposed to the Harbour Action Areas and why does it need a Local Planning Brief (LPB)?

The Seafront Enhancement Area (the “SEA”) refers to the broader programme for the redevelopment of the St Peter Port harbour area and the eastern seaboard which is being taken forward jointly by the Policy & Resources Committee, the Committee *for the Environment & Infrastructure*, the Committee *for Economic Development* and the States’ Trading Supervisory Board, supported by the D&PA.

The IDP designates Harbour Action Areas (HAAs) for St Peter Port and St Sampson. These areas are larger than just the harbours themselves and are only part of the SEA. This ensures that the opportunities are viewed comprehensively and linkages considered. The St Peter Port HAA is being taken forward as a States’ priority under the Policy & Resource Plan.

These are areas which offer the greatest opportunity to address a range of States’ objectives, including:

- Investment required in dated harbour infrastructure, most of which was provided in Victorian times
- Environmental enhancement, such as on the quays and seafront, which are dominated by parked cars and traffic
- Opportunities for new investment, e.g. housing, commercial and community facilities
- Facilities for cruise passengers

The delivery mechanism for the HAAs is through comprehensive planning as part of an LPB. This is a statutory development plan, which will be considered at Public Inquiry and presented to the States for approval. The individual developments in the wider SEA, if within a HAA, would generally need to adhere to the LPB. If they are not in a HAA or would not inhibit or prejudice the LPB, then they will be dealt with as an individual planning application.

Q9. What does the D&PA take into account when considering a development framework or planning application?

Within the terms of the Land Planning and Development (Guernsey) Law, 2005 and associated Ordinances, when determining an application for planning permission or outline permission, the D&PA must have regard to:

1. The Purposes of the Law
2. Any Development Plan, Subject Plan or Local Planning Brief
3. General Material Considerations (as contained in the Law and expanded upon in the IDP).
4. Material considerations for protected monuments, buildings and trees

It is important to understand that these material planning considerations relevant to any application will need to be weighed in the final decision process according to their seriousness and relative importance.

More information and detail about the considerations that are relevant to planning decisions can be found here: <https://gov.gg/CHttpHandler.ashx?id=3264&p=0>.

Copies of the legislation are available from the Greffe. Electronic copies are also available at www.guernseylegalresources.gg

Q10. What are the roles of the Committee *for the Environment & Infrastructure* and the D&PA?

The D&PA has been established by the States of Guernsey to be responsible for land use policy through the production of development plans and other instruments and for determining development applications of all kinds. The D&PA is supported by the Planning Service which delivers the day-to-day functions of the D&PA.

The Committee *for the Environment & Infrastructure* is responsible for planning appeals, the SLUP, agriculture, farms, animal imports/exports, the States' Vet, Vale Common, traffic signs and lines, the bus contract, public service vehicles, driving tests, driving licenses, vehicle registrations, road closures, road repairs, renewable energy, marine policy, water policy, environmental policy and traffic policy.

Q11. Can the D&PA allow development within an Area of Biodiversity Importance?

When an area has been designated as an Area of Biodiversity Importance (an "ABI"), this adds an important additional constraint when dealing with applications for development there.

However, IDP Policy GP3 allows for development within an ABI providing that the three criteria of that policy are met. These seek to ensure that the biodiversity of the area has been taken into consideration, is protected and where possible enhanced.

This policy allows for proposals for development to be considered within the ABI, provided any negative impacts have been appropriately and proportionately mitigated. Development is not prohibited in these areas but must be carefully considered in accordance with the relevant policies of the IDP and with regard to the States' approved Biodiversity Strategy.